AUTHENTIC COPIES

OF THE

CORRESPONDENCE

OF

THOMAS JEFFERSON, ESQ.

SECRETARY OF STATE TO THE UNITED STATES OF AMERICA,

AND

GEORGE HAMMOND, ESQ.

MINISTER PLENIPOTENTIARY OF GREAT-BRITAIN,

ON

THE NON-EXECUTION OF EXISTING TREATIES,

THE DELIVERING

THE FRONTIER POSTS,

AND ON THE

PROPRIETY OF A COMMERCIAL INTERCOURSE

BETWEEN

GREAT-BRITAIN AND THE UNITED STATES.

PART II.

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1794.

The Correſpondence between CITIZEN GENET, *Miniſter of the French Republic to the United States of North America, and the Officers of the Federal Government. To which are prefixed, the Inſtructions from the Conſtituted Authorities of France to the ſaid Miniſter. All from authentic Documents.*

Philadelphia, 20th December, 1793, Second Year of the French Republic, One and Indiviſible.

CITIZEN GENET, *Miniſter Plenipotentiary of the French Republic to the United States, to Mr. Jefferſon, Secretary of State.*

SIR,

THE politics of regenerated France having candour, frankneſs, and publicity for their only baſis, the myſterious ſecrecy of courts being entirely rejected from her councils, and the only art of her public agents being that of uſing none, I have informed you, that I would publiſh my Correſpondence with the Federal Government, and likewiſe the inſtructions that have been given to me by the Executive Council of the French Republic. The ſheets which contain my correſpondence are not yet printed off, but thoſe which contain the tranſlation of my inſtructions being finiſhed, I haſten to incloſe to you copies of them. I beg that they may be diſtributed among the members of Congreſs, and that you will requeſt the Preſident of the United States to lay them officially before the houſes of that legiſlative body. This firſt part of the collection, which I announce to you, and which I ſhall tranſmit to you in due ſucceſſion, will enable the repreſentatives of the American people to determine, whether my political conduct, ſince have reſided in the United States, has been conformable to the tions of the French people. This ſtep is a duty which I conceive I ow

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to my country, and thus leaving it to your ſage Legiſlators to take ſuch meaſures reſpecting the points that are in negociation between us, as the intereſt of the United States ſhall appear to require, nothing will remain for me to do, but to proſecute in your courts of judicature the authors and abettors of the odious and vile machinations that have been plotted againſt me, by means of a ſeries of impoſtures which for a while have faſcinated the minds of the public, and miſled even your firſt magiſtrate, with a view to ſhake, at leaſt, if not to break off entirely, the alliance between two nations, which every conſideration calls upon to unite, and to rivet ſtill faſter the bonds which tie them to each other, at a period when the moſt imminent danger equally threatens them both.

Accept my reſpects,

GENET.

Inſtructions to CITIZEN GENET, *Miniſter Plenipotentiary from the French Republic to the United States—from the Executive Council and Miniſter of Marine.*

Memorial to ſerve as Inſtructions to CITIZEN GENET, *Adjutant-general and Colonel, going to America in quality of Miniſter Plenipotentiary of the French Republic to the Congreſs of the United States.*

THE patriotiſm which Citizen Genet has ſhewn in the different employments entruſted to him, and his known attachment for the cauſe of liberty and equality, have determined the Executive Council to nominate him Miniſter Plenipotentiary of the French Republic to the Congreſs of the United States of America. This proof of confidence is the more flattering for Citizen Genet, as the French nation ſet a high value upon the ties which unite them to the American people; ties which the National Aſſembly has, on the 2d June, 1791, ſhewn the deſire to draw ſtill cloſer; and the legiſlature has, moreover, expreſsly ordered the Executive Power to negociate with the United States a new treaty of commerce, which may increaſe, between the two nations, thoſe connections mutually advantageous both to the one and to the other of them. Struck with the grandeur and importance of this negociation, the Executive Council preſcribes to Citizen Genet to exert himſelf to ſtrengthen the Americans in the principles which led them to unite themſelves to France; to make them perceive, that they have no ally

more

more natural or more diſpoſed to treat them as brethren; that theſe ſentiments are engraven on the hearts of all Frenchmen enlightened upon the true intereſts of their own country; and, if the two nations have not yet reaped the advantage, it has been the fault of the government we have juſt overthrown; it is through the reaſon of the cabinet of Verſailles. This truth is this day revealed. The Executive Council has called for the inſtructions given to Citizen Genet's predeceſſors in America, and has ſeen in them, with indignation, that at the very time the good people of America expreſſed their gratitude to us in the moſt feeling manner, and gave us every proof of their friendſhip, Vergeenns and Montmorin thought, that it was right for France to hinder the United States from taking that political ſtability of which they were capable, becauſe they would ſoon acquire a ſtrength, which, it was probable, they would be eager to abuſe. They, in conſequence, directed both the one and the other of theſe Miniſters of Louis XVI. to the Congreſs, to preſerve the moſt paſſive conduct, and to ſpeak only of the Prince's perſonal wiſhes for the proſperity of the United States. The ſame Machiavelian principle influenced the operations of the war for independence; the ſame duplicity reigned over the negociations for peace. The deputies from Congreſs expreſſed the deſire, that the cabinet of Verſailles would aſſiſt in the conqueſt of the two Floridas, of Canada, and of Nova Scotia; but Louis and his miniſters conſtantly refuſed, looking upon the poſſeſſion of theſe countries by Spain and England, as a uſeful principle of uneaſineſs and vigilance for the Americans after the peace. This uſeleſs jealouſy turned into contempt; the people for whom they pretended to have taken up arms, became an object of diſdain; for the court neglected to correſpond with them, and by that criminal conduct they gave the power, whoſe influence in America we ought to have extinguiſhed, arms to combat and deſtroy our own.

It is thus the miniſters, under the old ſyſtem, blindly laboured with all their exertions to ſtifle liberty, after having been compelled by the general voice of the nation to aſſiſt its birth in the new world; 'tis thus they cooled the zeal; 'tis thus they looſened the bands of the two people; 'tis thus that by their infamous policy they diſguſted the Americans with the French alliance, and ſtrengthened, themſelves, that of the Engliſh. The republicans who have diſplaced theſe vile ſupporters of deſpotiſm, are eager to mark out for Citizen Genet, a path diametrically oppoſite to the crooked windings by which his predeceſſors were entangled. The Executive Council, faithful to its duties, and obedient to the will of the French people, authorized Citizen Genet to declare with freedom and ſincerity, to the miniſters of Congreſs, that

thoſe of the French republic, throwing far from them every thing appertaining to the old embaſſy, the revenue ſyſtem, the cautious policy, and all thoſe impediments to the riches and proſperity of the nations, have highly approved the overtures made to Citizen Ternant, as well by General Waſhington as by Mr. Jefferſon, upon the means of renewing and conſolidating our commercial ties, in placing them on the principles of truth itſelf; that the Executive Council are diſpoſed to ſet on foot a negociation upon thoſe foundations, and that they do not know but that ſuch a treaty admits a latitude ſtill more extenſive in becoming a national agreement, in which two great people ſhall ſuſpend their commercial and political intereſts, and eſtabliſh a mutual underſtanding, to befriend the empire of liberty, wherever it can be embraced, to guarantee the ſovereignty of the people, and puniſh thoſe powers who ſtill keep up an excluſive colonial and commercial ſyſtem, by declaring that their veſſels ſhall not be received in the ports of the contracting parties. Such a pact which the people of France will ſupport with all the energy which diſtinguiſhes them, and of which they have already given ſo many proofs, will quickly contribute to the general emancipation of the new world. However vaſt this project may be, it will not be difficult to execute, if the Americans determine on it, and it is to convince them of its practicability that Citizen Genet muſt direct all his attention: for, beſides the advantages which humanity in general will draw from the ſucceſs of ſuch a negociation, we have at this moment a particular intereſt in taking ſteps to act efficaciouſly againſt England and Spain, if, as every thing announces, theſe powers attack us from hatred to our principles; if the Engliſh miniſters, inſtead of ſharing in the glory of France, inſtead of conſidering that our liberty, as well as that of thoſe people whoſe chains we have broken, for ever eſtabliſhes that of their own country, ſuffer themſelves to be influenced by our enemies, and by thoſe to the liberty of mankind, and embark with every tyrant againſt that cauſe which we are defending. The military preparations making in Great Britain become every day more and more ſerious, and have an intimate connection with thoſe of Spain. The friendſhip which reigns between the miniſters of the laſt power and thoſe of St. James's proves it; and in this ſituation of affairs we ought to excite, by all poſſible means, the zeal of the Americans, who are as much intereſted as ourſelves, in diſcerning the deſtructive projects of George the Third, in which they are probably an object. Their own ſafety ſtill depends on ours, and if we fail, they will ſooner or later fall under the iron rod of Great Britain.—The Executive Council has room to believe that theſe reaſons, in addition to the great commercial advantages which we are diſpoſed to concede to the United States, will determine

 their

their government to adhere to all that Citizen Genet ſhall propoſe to them on our part. And it is poſſible, however, that the falſe repreſentations which have been made to Congreſs, of the ſituation of our internal affairs, of the ſtate of our maritime force, of our finances, and eſpecially of the ſtorms with which we are threatened, may make her miniſters, in the negociations which Citizen Genet is intruſted to open, adopt a timid and wavering conduct, the Executive Council charges him, in expectation that the American government will finally determine to make a common cauſe with us, to take ſuch ſteps as will appear to him exigencies may require, to ſerve the cauſe of liberty and the freedom of the people. Citizen Genet will lend the aſſiſtance of his good offices to all the French citizens who ſhall have recourſe to him, and whoſe conduct ſhall be unexceptionable. But the Executive Council underſtands that this protection ſhall in no caſe contravene the laws of the country, and ſhall not extend to people of doubtful character, baniſhed from their country, or to citizens whoſe conduct ſhall be reprehenſible. Citizen Genet will avoid as much as he can thoſe ridiculous diſputes about etiquette, which ſo much occupied the old diplomacy. The repreſentatives of other powers are not, however, to be ſuffered to attempt to deprive France, become free, of that precedence it enjoyed under its ancient forms. The Executive Council informs Citizen Genet, for his regulation of the conduct which they wiſh to be followed by the miniſters of the French Republic, if diſputes ſhould ariſe reſpecting the ceremony and the precedence between them and the repreſentatives of other powers.

The intention of the council is, that the miniſters of the nation ſhould declare without reſerve, that the French people ſee in all other people their brethren and their equals, and that they deſire to remove every idea of ſuperiority or precedence; but that if any ſtate, miſtaking the generoſity of theſe principles, pretends to any particular diſtinction, and endeavours to obtain it by any ſteps direct or indirect, the miniſters of the French people ſhall then inſiſt on all the prerogatives the French power has at any time enjoyed; the nation determining that in that caſe its miniſters ſhould defend thoſe rights, being certain that the nation will make them reſpected.

As to the ceremonies of his firſt audience, the delivery of his credentials, and his communications with the Federal government, Citizen Genet will conform himſelf to thoſe rules which the Congreſs ſhall have eſtabliſhed for all the diplomatic corps in this reſpect; exceptions only offend; general rules wound no one.

Such are the political objects truſted to the zeal of Citizen Genet; the Executive Council will give him particular inſtructions upon the con-

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ſular affairs with which he will be charged, upon the negociation relative to the liquidation of the debt of the United States, upon the ſupplies for the Colonies, upon thoſe which the marine and war departments call for, and upon the negociations which Citizen Ternant was charged to ſet on foot with the United Sates to induce them to furniſh corn, flour, and ſalt proviſions on account of their debt.

With the miniſter for foreign affairs Citizen Genet will correſpond upon theſe different objects, and it is from him that he will receive the nation's orders. His communications with the other miniſters will only extend to the details of adminiſtration, relative to their reſpective departments, and he will be careful to give diſtinct information to the miniſter for foreign affairs, to the end that he may have always before his eyes the whole of the operations of the French agents with foreign powers.

Read and agreed upon in Executive Council at Paris, January 14th, 1793, Second year of the French Republic.

(Signed) MONGE, Preſident,
LE BRUN, Miniſter for Foreign Affairs.

Extract from a ſupplement to the inſtructions given to CITIZEN GENET, *Miniſter and Plenipotentiary of the French Republic to the United States of America.*

THE Executive Council wiſh that a new treaty, founded upon a baſis more liberal and more fraternal than that of 1778, may be concluded as ſoon as poſſible. As, however, they cannot conceal that in the actual ſtate of Europe a negociation of this kind may be ſubject to many impediments, whether brought about by ſecret manœuvres of the Engliſh miniſter and his partiſans at Philadelphia, by the timidity of certain members of the federal government, who, notwithſtanding their known patriotiſm, have always ſhewn the ſtrongeſt averſion to every meaſure which might be unpleaſant to England, they think it right for the preſent, that Citizen Genet ſhould draw every advantage which the proviſions of the ſubſiſting treaty ſecure to the Republic, until a new compact has more clearly and fully defined and enlarged them.

In this view, which exiſting circumſtances render particularly important, Citizen Genet is expreſsly enjoined to make himſelf thoroughly maſter of the ſenſe of the treaty of 1778, and to be watchful in the execution of the articles which are favourable to the commerce and navigation of the French Republic, and he will endeavour to ſatisfy the Americans, that the engagements which may appear burthenſome to them, are the juſt price

price of that Independence which the French nation contributed to acquire for them.

In the probable caſe of a maritime war, Citizen Genet will employ all the means in his power to procure a religious obſervance of the 17th, 21ſt, and 22d articles of the treaty of commerce, by which the contracting parties engage freely to admit the prizes made by either of the parties from its enemies, and have renounced the right of permitting their citizens to ſerve under the flag of a foreigner againſt the veſſels of their reſpective nations, or even to admit into their ports the prizes of foreigners, or permit the arming or ſupplying of foreign privateers.

Theſe articles are the more important in the now ſituation, as the great diſtance of the Engliſh privateers from their ports, and the difficulty of ſupplying them, will render their cruizers the more expenſive, and the return and ſale of their prizes more precarious; while our veſſels, availing themſelves of their right, will have at their diſpoſal, all the ports of the United States and the proviſions with which they abound. It would be moreover to be feared that the fitting out in American ports Engliſh armaments, or ſuch as were pretended to be ſo, would induce a number of individuals of the northern ſtates, remarkable for their boldneſs and activity, to accept of Engliſh commiſſions, and diſtreſs and injure our commerce. Without doubt neither the Congreſs or the Executive power of the United Sates would approve a conduct ſo little conformable to the ties of friendſhip and good underſtanding which ſubſiſt between the two nations; but the great extent of the Engliſh commerce in America now become free, the prodigious number of its factors and of the emiſſaries of George the IIId. the means of corruption, which their ſituation and their local acquaintance give them, would render theſe expeditions the more frequent, as it would be ſo eaſy to deceive the vigilance of government by concealed equipments. Citizen Genet is therefore particularly enjoined to watch, by the conſuls and commercial agents, the conduct of the Engliſh in the different ports, to inſiſt rigorouſly upon the execution of the 17th, 21ſt, and 22d articles of the treaty of 1778, and to prevent in the American ports all equipments, unleſs upon account of the French nation, and the admiſſion of any prize, except thoſe which ſhall have been made by the veſſels of the republic. He will take care to explain himſelf upon this object with the dignity and energy of the repreſentative of a great people, who, in faithfully fulfilling their engagements, know how to make their right reſpected.

As ſoon as circumſtances permit efficacious negociations concerning a new treaty of commerce, Citizen Genet will not loſe ſight of ſtipulating poſitively and without reſerve for a reciprocal exemption from the

duty

duty on tonnage, avoided under different pretences, from many years paſt by the American government, though expreſsly granted by the 5th article of the preſent treaty.

The mutual naturalization of French and American citizens, in commercial reſpects, propoſed by Mr. Jefferſon and approved of by the Executive Council, will render this exemption from the duty on tonnage leſs offenſive for the powers claiming a participation of the ſame favour by virtue of their treaties, for the caſus federis will be entirely changed with reſpect to them.

The reciprocal guarantee of the poſſeſſions of the two nations ſtipulated in the 11th article of the treaty of 1778, can be eſtabliſhed upon generous principles, which have been already pointed out, and ſhall equally be an eſſential clauſe in the new treaty which will be propoſed. The Executive Council in conſequence recommend, eſpecially to Citizen Genet, to ſound early the diſpoſition of the American government, and to make it a condition ſine qua non, of their free commerce with the Weſt Indies ſo eſſential to the United States. It nearly concerns the peace and proſperity of the French nation, that a people whoſe reſources increaſe beyond all calculation, and whom nature hath placed ſo near our rich colonies, ſhould become intereſted, by their own engagements, in the preſervation of theſe iſlands. Citizen Genet will find the leſs difficulty in making this propoſition reliſhed in the United Sates, as the great trade which will be the reward of it, will indemnify them ultimately for the ſacrifices which they may make at the outſet; and the Americans cannot be ignorant of the great diſproportion between their reſources and thoſe of the French Republic, and that for a very long period the guarantee aſked of them will be little elſe than nominal for them, while that on our part will be real, and we ſhall immediately put ourſelves in a ſtate to fulfil it, in ſending to the American ports a ſufficient force to put them beyond inſult and to facilitate their communication with the iſlands and with France. Fully to inſure the ſucceſs of theſe negociations, and to render nugatory in the United States thoſe ſcandalous inſinuations ſo clandeſtinely ſpread through Europe by the enemies of the Republic, the Executive Council ſpecially direct Citizen Genet to adhere to the forms eſtabliſhed for official communications with the United States, between the government and foreign agents, and not to permit himſelf to take any ſtep, or make any overture, which can give umbrage to the Americans in regard to the conſtitution which they have choſen, and which differs in many points from the principles eſtabliſhed in France.

The emiſſaries and partiſans of George III. the emigrants, and the Hiſpaniola refugees, who are found in great numbers in the principal cities

cities of the United States, and who have already infected them with their falsehoods, will not fail to watch the minister of the Republic, and to give all his measures the most malicious construction. An open and patriotic conduct can alone put him beyond the reach of calumny and misconstruction. The Executive Council relies, in this respect, with an entire confidence upon the prudence and known moderation of Citizen Genet.

In order that nothing may delay the conclusion of the negociations of Citizen Genet with the Americans, and that he may have in his own power all the means which can assist the pains he will take in the cause of liberty, the Executive Council has given him the full powers annexed. The Minister of the Marine Department will transmit to him a certain number of blank letters of marque, which he will deliver to such French or American owners as shall apply for the same.

The Minister at War shall likewise deliver to Citizen Genet, officers' commissions in blank for several grades in the army.

Done and agreed upon in Executive Council, the 17th day of January of the year 1793, and of the French Republic the second.

(Signed) MONGE, President,
LE BRUN, Minister for Foreign Affairs.

Copy of a letter from the Minister of the Marine to CITIZEN GENET, *Minister of the French Republic to the United States.*

February 8th, 1793.

YOU will find inclosed, Citizen, 300 letters of marque, which you will distribute to the Americans who may fit out and try their chance against the English, Dutch, Russians, Prussians, and Austrians.

The means taken in France to register them in the Office of Classes, will be supplied by that of registering them in the Chancery Office of the Consulates of France, situate in the ports where the armed vessels may be fitted out, or in the nearest ports to them. You will take care to number and sign these, to keep an exact register, and to give me an account of the disposal of them by every vessel bound from the ports of the United States to those of the Republic.

I add to this inclosure twenty copies of each of the laws of the 31st January and 2d February last.

The laws relative to the encouragements granted to prizes and to their distribution, will be soon passed for France. I shall transmit them to you as soon as I receive them.

Foreign built veſſels, the entry of which had been prohibited in 1791, may, for the preſent, be armed in France, and partake of all the advantages granted to thoſe built in the docks of the Republic.

This regulation is of too much moment not to haſten you in communicating it to all thoſe who, knowing the law of 13th May, 1791, may think themſelves deprived of the power of introducing their veſſels into France.

You will, doubtleſs, think it right to regulate your meaſures and your conduct by the prudence and diſcretion which your character requires, in the exiſting circumſtances, to contribute as much as in your power to the good of the Republic, the ſucceſs of its armaments, and the deſtruction of its enemies commerce.

(Signed) MONGE.

Copy of a ſecond Letter from the Miniſter of the Navy to CITIZEN GENET, *Ambaſſador of the French Republic to the United States of America.*

Paris, May 28, 1793, ſecond year of the Republic.

YOU will find hereunto annexed, Citizen, commiſſions for the conductors of prizes, which you will continue to diſtribute to the captains, with the letters of marque, according to the numbers of captures they ſhall think they may be able to make at ſea; you will inſcribe them under the ſame number as the letters of marque. The citizens forming the Proviſional Executive Council of the French Republic, mark the ſame number on each of the commiſſions delivered to each captain. It has been thought neceſſary to adopt this uniform method in all the maritime diſtricts.

I give notice of it to the different organazeurs.

(Signed) DALBARADE.

Copy of the Credentials given to CITIZEN GENET.

In the name of the French Republic, by virtue of the law of the 19th Auguſt laſt, which confers on the Executive Council proviſionally, all the functions of the Executive power; and of the decree of the National Convention of the 21ſt September following, which continues the public authorities in force at the laſt period.

WE, the Citizens forming the Proviſional Executive Council, to the Republic of the United States of North America.

Very dear, great Friends and Allies,

HAVING reſolved, to appoint a ſucceſſor to Citizen Ternant, Miniſter Plenipotentiary of the French Republic, reſiding with you,

we have chosen Citizen Genet, Adjutant-general and Colonel in the service of the Republic, to replace him in the same character. The proofs of zeal and patriotism which he has hitherto given, persuade us, that he will conduct himself in a manner to render his person agreeable.

We pray you, very dear, great Friends and Allies, to give full credit to all he shall be charged to say to you on the part of the Republic; especially when he assures you of our disposition to promote the interests and prosperity of the United States. We do not doubt he will give all his attention to convince you of the desire of the French nation to bind more and more the ties of friendship and fraternity which ought to unite two free people, formed mutually to esteem each other, and to establish between them the most perfect harmony.

Written at Paris, the 30th December, 1792, the first of the Republic.

LE BRUN	ROLAND,
CLAVIERE,	PACHE,
GARAT,	MONGE.

By the Provisional Executive Council,

GROUVELLE, Secretary of the Council.

PAPERS

RELATIVE TO

GREAT-BRITAIN.

APPENDIX No. I.

AN Act* for the better ſecuring and perſerving his Majeſty's dock-yards, magazines, ſhips, ammunition and ſtores. See 1 Journal Congreſs, 68, "perſons *charged* with committing any offence therein deſcribed, in any place out of the realm, may be tried any where within the realm, whereby inhabitants of theſe colonies may, in ſundry caſes, by that ſtatute made capital, be deprived of a trial by peers of the vicinage."

An Act† to diſcontinue, in ſuch manner, and for ſuch time as are therein mentioned, the landing and diſcharging, lading or ſhipping of goods, wares and merchandize, at the town, and within the harbour of Boſton, in the province of Maſſachuſetts-Bay, in North-America.

An Act‡ for the impartial adminiſtration of juſtice in the caſes of perſons queſtioned for any acts done by them in the execution of the law, or for the ſuppreſſion of riots and tumults in the province of Maſſachuſetts-Bay, in New-England.

An Act § to reſtrain the trade and commerce of the province of Maſſachuſetts-Bay and New-Hampſhire, and colonies of Connecticut, and Rhode-Iſland and Providence Plantations, in North-America, to Great-Britain, Ireland, and the Britiſh iſlands in the Weſt-Indies, and to prohibit ſuch provinces and colonies from carrying on any fiſhery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations.

An Act ‖ to amend and render more effectual in his Majeſty's dominions in America, an Act paſſed in the preſent ſeſſion of parliament, entitled an Act for puniſhing mutiny and deſertion, and for the better payment of the army, and their quarters, and for extending the proviſions of the ſaid Act to his Majeſty's marine forces in America.

An Act ** to prohibit all trade and intercourſe with the colonies of New-Hampſhire, Maſſachuſetts-Bay. Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the three lower countries on Delaware, Maryland, Virginia, North-Carolina, South Carolina and Georgia, during the continuance of the preſent rebellion, with the ſaid colonies reſpectively; for repealing an

* 1772, 12 G. 3. C. 24. † 1774, 14 G. 3. C. 19. ‡ C. 39. § 1775, 15. G. 3. C. 10. ‖ C. 15. ** 1776, 16 G. 3. C. 5.

Act made in the 14th year of the reign of his present Majesty, to discontinue the landing and discharging, lading or shipping of goods, wares and merchandize, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay, and also two Acts made in the last sessions of parliament for restraining the trade and commerce of the colonies, in the said Act respectively mentioned, and to enable any person or persons appointed and authorized by his Majesty to grant pardons, to issue proclamations in the cases and for the purposes therein mentioned.

An Act * for enabling the commissioners for executing the office of Lord High Admiral of Great-Britain, to grant commissions to the commanders of private ships and vessels employed in trade, or retained in his Majesty's service to take and make prize of all such ships and vessels, and their cargoes as are therein mentioned, for a limited time.

An Act † to empower his Majesty to secure and detain persons charged with, or suspected of the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.

No. 2.

(Copy.) 16 G. III. C. 5. § 4.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said flag officers, captains and commanders respectively, to cause to be taken or put on board any of his Majesty's ships or vessels of war, or on board any other ships or vessels, all and every the masters, crews and other persons, who shall be found on board such ship or ships as shall be seized and taken as prize as aforesaid, and also to enter the names of such of the said mariners and crews, upon the book or books of his Majesty's said ships or vessels, as they the said flag officers, captains and commanders, shall respectively think fit; from the time and times of which said entries respectively, the said mariners and crews shall be considered, and they are hereby declared to belong to, and be as much in the service of his Majesty, to all intents and purposes, as if the said mariners and crews had entered themselves voluntarily to serve on board his Majesty's said ships and vessels respectively, and also that it shall and may be lawful to and for the said flag officers, captains and commanders respectively, to detain or cause to be detained and kept, the masters and other persons, and also such others of the mariners and crews of the said prize ships as shall not be entered upon the books of his Majesty's ships or vessels of war as aforesaid, in and on board any ship or ships, vessel or vessels whatsoever, until the arrival of such last mentioned ships or vessels in some port in Great-Britain or Ireland, or in any port of America, not in rebellion, and upon the arrival of those ships or vessels in any such port, the commanders thereof are hereby respectively authorized and required immediately to set the said last mentioned mariners and crews, and also the said masters and other persons, at liberty on shore there.

No. 3.

NEW-YORK, 19th March, 1783.

SIR,

By the Halifax packet, we have received a dispatch, from Mr. Townshend one of his Majesty's principal Secretaries of State, dated the 31st of December, 1782, enclosing a treaty signed at Paris on the 30th of November,

* C. 7. † 1777. 17 G. 3. C. 9.

which

which we are directed to transmit to Congress.—Having been thrown, Sir, into the course of making all communications to Congress through your Excellency, we know not how, with more propriety, to make the communication required, than through the accustomed channel; we therefore enclose in the present letter this instrument, and are to request of your Excellency that you will in the most speedy manner forward the same to Congress.

We are, Sir, your Excellency's most obedient and most humble servants,

(Signed) GUY CARLETON.
ROBT. DIGBY.

His Excellency
Gen. Washington.

No. 4.

Extract of a letter from Sir Guy Carleton to Robt. R. Livingston, Esq. dated New-York, March 26th, 1783.

SIR,

I HAVE received your letter of the 24th instant, enclosing a resolution of Congress of the same date, taken in consequence of the arrival of the cutter Triumphe, commanded by Lieut. Duquesne, with orders of the 10th of February last, given at Cadiz, by Vice-Admiral D'Estaing, for him to put to sea, and cruise on such stations as he shall judge most likely to meet with ships of his nation, and inform them of the happy reconciliation of the belligerent powers, and to order all their ships of war to cease hostilities against those of Great-Britain, the preliminary articles of a general peace being signed the 20th of January: You thereupon are pleased to express your expectation that I would think the information thus conveyed, "sufficiently authentic to justify my taking immediate measures to stop the further effusion of blood."

To adopt a measure of this importance, it is necessary I should receive orders from home, which I may reasonably expect every hour, as a cruiser sent out on other purposes, is already arrived at Philadelphia; and I assure you, Sir, I only wait the official certainty of this great event, to assume the language, and the spirit too, of the most perfect conciliation and peace.

Copy of a letter from Admiral Digby to Robert R. Livingston, Esq.—New-York, 27th March, 1783.

SIR,

I HAVE received your letter enclosing me the resolve of Congress, with a copy of a letter to his Excellency Sir Guy Carleton; but as I have as yet received no official accounts from England, I must wait till you on your side relieve our prisoners, before I give that general relief to yours I so much wish. There can be no reason for detaining our prisoners one moment, as Congress must suppose the peace signed. I shall take every precaution in my power, consistent with my duty, to stop any further mischief upon the seas, but should recommend the preventing any vessels sailing, as I have not yet received sufficient authority to enable me to withdraw my cruisers.

I am, Sir,
Your very obedient humble servant,
ROBT. DIGBY.

No. 6.

Appendix.				
B. 10.	before	war.	Mar.	Act compelling creditors to take the debtor's land at an appraised value.
16.	1775	May, June,	R. I.	Paper money made a legal tender.
		October,	R. I.	Act to confiscate and sequester estates, and banish persons of certain descriptions.
	1776	Jan. July, September,	R. I.	Paper money made a legal tender.
A. 4.		Feb. March May, June, July, Aug. October,	R. I.	Act to confiscate, sequester and banish as before, Oct. 1775.
10.		October, 4.	N. J.	Act to punish traitors and disaffected persons.
D. 16.	1777	Febuary.	R. I.	Paper money made a legal tender.
A. 20.		October.	Virg.	Act for sequestering British property, enabling those indebted to British subjects to pay off such debts.
26.		November	N. C.	Act for confiscating the property of all such persons as are inimical to the United States.
D. 1.		November.	N. C.	Act for establishing courts of law, and for regulating the proceedings therein, Sec. 101.
A. 2.	1778		Mas.	Act to prevent return of certain persons therein named, and others who had left that State or either of the United States, and joined the enemies thereof.
A. 4.	1778	Feb. Oct.	R. I.	Act to confiscate, sequester and banish as 1775, October.
15.		February 5.	Del.	Act declaring estates of certain persons forfeited, and themselves incapable of being elected to any office.
14.		March 6.	Pen.	Act for the attainder of divers traitors, and for vesting their estates in the commonwealth if they render not themselves by a certain day.
11.		April 18.	N. J.	Act for taking charge of and leasing the real estates, and for forfeiting personal estates of certain fugitives and offenders.
2.		November 28.	N. H.	Act to confiscate estates of sundry persons therein named.
12.		December 11.	N. J.	Act for forfeiting to, and vesting in the state, the real estates of certain fugitive offenders.
3.	1779		Mass.	Act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late Province now State of Massachusetts Bay.

Appendix.				
27.		January.	N. C.	Act to carry into effect the Act of November 1777, for confiscating, &c.
4.		Feb. May, Aug. Sept. October.	R. I.	Act to confiscate, sequester and banish as before, in October 1775.
21.		May.	Virg.	Act concerning escheats and forfeitures from British subjects.
22.		May.	Virg.	Act to amend the Act concerning escheats, &c.
32.		May.	Virg.	Act for the removal of the seat of government.
6.		October 22.	N. Y.	Act for the forfeiture and sales of the estates of persons who have adhered to the enemies of the state.
23.		October.	Virg.	Act to amend the Act concerning escheats and forfeitures.
E. 5.		October.	Virg.	Act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America.
A. 7.	1780	March 10.	N. Y.	Act for the immediate sale of part of the confiscated estates.
8.		June 15.	N. Y.	Act approving the Act of Congress relative to finance of United States and making provision for redeeming that state's proportion of bills of credit.
4.		July, Sep. Oct.	R. I.	Act to confiscate, sequester and banish as in October 1775.
9.		October 7.	N. Y.	Act to procure a sum of specie for the purpose of redeeming the bills emitted, &c.
A. 16.		October.	Mary.	Act for calling out of circulation the quota of the state of the bills of credit issued by Congress. Sec. 11.
17.		October.	Mar.	Act to seize, confiscate and appropriate all British property within the state.
8.		October.	Mar.	Act to appoint commissioners to preserve confiscated British property.
19.		October.	Mar.	Act to procure a loan and for the sale of escheat lands and the confiscated British property therein mentioned.
4.	1781	January, May,	R. I.	Act to confiscate, sequester and banish as in October—75.

Act

Appendix.				
24.		November.	Virg.	Act to adjust and regulate pay and account of officers of Virginia line.
D. 2.		November.	Virg.	Act for directing the mode of adjusting and settling the payment of certain debts and contracts.
A. 28. C. 10	1782	February 26.	S. C.	Act for disposing of certain estates, and banishing certain persons therein mentioned.
D. 6.		April.	Mar.	Act to prevent suits on certain debts for a limited time.
A. 30.		May 4.	Geor.	Act for inflicting penalty on, and confiscating the estates of, such persons as are therein declared guilty of treason, and for other therein mentioned.
25.		May.	Virg.	Act for providing more effectual funds for redemption of certificates.
D. 3.		May.	Virg.	Act to repeal so much of former Act, as suspends the issuing executions upon certain judgments until December, 1783.
A. 34.		June 15.	Mar.	Act for the benefit of the children of major Andrew Leitch.
4.		June, October, Novem.	R. I.	Act to confiscate, sequester, and banish, as in October, 1775.
23.		October 3.	N. J.	Act supplemental to the Act of October 4, 1776, to punish traitors and disaffected persons.
D. 4.		October.	Virg.	Act to amend an Act, entitled, "An Act to repeal so much of a former Act, as suspends the issuing executions on certain judgments till December, 1783."
				November 30, the provisional articles between the United States and Great Britain, are signed at Paris.
	1783			January 20th, preliminary articles between France and Great Britain, are signed at Paris, also epochs fixed for cessation.
C. 5.		January 31.	Penn.	Act to attaint H. Gordon, unless he surrender himself before a given day (July 24, 1783,) and the seizure of his estates by the agent of forfeited estates confirmed.

Act

Appendix.			
17.	February 17.	Geor.	Act to point out a mode for the recovery of property unlawfully acquired under the British usurpation, and withheld from the right owners, and for other purposes.
A. 4.	February, May, June, October.	R I.	Act to confiscate, sequester, and banish, as in October, 1775. [This of October, 1783, is the same probably as C. 14.] March 15, the provisional articles are in Oswald's paper, Philadelphia.
29.	March 16.	S. C.	To amend the act of February 26, 1782.
C. 16.	March 17.	N. Y.	Act for granting a more effectual relief in cases of certain trespasses.
18.	March 21.	N. Y.	Act for suspending the prosecutions therein mentioned.

No. 7.

(Copy) PARIS, *4th November*, 1782.

GENTLEMEN,

YOU may remember, that from the very first beginning of our negociation for settling a peace between Great Britain and America, I insisted that you should positively stipulate for the restoration of the property of all those persons under the denomination of the Loyalists or Refugees, who have taken part with Great Britain in the present war; or if the property had been resold, and passed into such variety of hands as to render the restoration impracticable (which you asserted to be the case in many instances), you should stipulate for a compensation or indemnification to those persons adequate to their losses. To these propositions you said you could not accede. Mr. Strachey, since his arrival at Paris, has most strenuously joined me in insisting upon the said restitution, compensation, or indemnification, and in laying before you every argument in favour of those demands, founded upon national honour and upon the true principles of justice.

These demands you must have understood to extend not only to all persons of the above mentioned description who have fled to Europe, but likewise to all those who may be now in any parts of North America, dwelling under the protection of his majesty's arms, or otherwise.

We have also insisted upon a mutual stipulation for a general amnesty on both sides, comprehending thereby an enlargement of all persons who on account of offences committed, or supposed to be committed, since the commencement of hostilities, may be now in confinement, and for an immediate re-possession of their properties and peaceable enjoyment thereof under the government of the United States. To this you have not hitherto given a particular or direct answer.

It is however incumbent upon me, as commissioner of the king of Great Britain, to repeat those several demands; and without going over those arguments upon paper which we have so often urged in conversation, to press your immediate attention to these subjects, and to urge you to enter into proper stipulations

lations for the restitution, compensation, and amnesty above mentioned, before we proceed further in this negociation.

I have the honour to be, &c.

RICHARD OSWALD.

To J. ADAMS, B. FRANKLIN, *and* J. JAY, *Esquires, Commissioners from the thirteen United States of America, for treating of peace between the said States and the King of Great Britain.*

No. 8.

SIR, 1782.

IN answer to the letter you did us the honour to write on the 4th instant, we beg leave to repeat what we often said in conversation, viz. that the restoration of such of the estates of refugees as have been confiscated is impracticable, because they were confiscated by the laws of particular states, and in many instances have passed, by legal titles, through several hands. Besides, sir, as this is a matter evidently appertaining to the internal polity of the separate states, the Congress, by the nature of our constitution, have no authority to interfere with it.

As to your demand of compensation to those persons, we forbear enumerating our reasons for thinking it ill founded: In the moment of conciliatory overtures it would not be proper to call certain scenes into view, over which a variety of considerations should induce both parties at present to draw a veil. Permit us, therefore, only to repeat, that we cannot stipulate for such compensation, unless on your part it be agreed to make retribution to our citizens for the heavy losses they have sustained by the unnecessary destruction of private property.

We have already agreed to an amnesty more extensive than justice required, and full as extensive as humanity could demand: We can therefore only repeat, that it cannot be extended farther. We should be sorry if the absolute impossibility of our complying further with your propositions, should induce Great Britain to continue the war for the sake of those who caused and prolonged it: but if that should be the case, we hope that the utmost latitude will not be again given to its rigours.

Whatever may be the issue of this negociation, be assured, Sir, that we shall always acknowledge the liberal, manly, and candid manner, in which you have conducted it, and that we shall remain with the warmest sentiments of esteem and regard.

Sir, your's, &c.

JOHN ADAMS.
B. FRANKLIN.
JOHN JAY.

To RICHARD OSWALD, *Esq. his Britannic Majesty's Commissioner, for treating of peace with the Commissioners of the United States of America.*

No. 9.

Extracts from Mr. Adams's Journal respecting Peace.

MONDAY, *November* 11, 1782.

Mr. Whitefoord, the secretary of Mr. Oswald, came a second time. We fell soon into politics. I told him the French Minister at Philadelphia had made some representations to Congress in favour of a compensation to the royalists, and the Count de Vergennes no longer than yesterday said much to me in their favour. The Count probably knows, that we are instructed against it

it—that Congreſs are inſtructed againſt it, or rather have not conſtitutional authority to do it—that we can only write about it to Congreſs, and they to the States, who may, and probably will, deliberate upon it eighteen months before they all decide, and then every one of them will determine againſt it.

FRIDAY, *November* 15, 1782.

Mr. Oſwald came to viſit me, and entered, with ſome freedom, into converſation.—He ſaid he had been reading Mr. Paine's anſwer to the Abbe Raynal, and had found there an excellent argument in favour of the Tories. Mr. Paine ſays, that before the battle of Lexington, we were ſo blindly prejudiced in favour of the Engliſh, and ſo cloſely attached to them, that we went to war at any time and for any object, when they bid us. Now this being habitual to the Americans, it was excuſable in the Tories to behave upon this occaſion, as all of us had ever done upon all others. He ſaid if he were a member of Congreſs, he would ſhew a magnanimity upon this occaſion, and would ſay to the refugees, take your property—we ſcorn to make any uſe of it in building up our ſyſtem.

I replied, that we had no power, and Congreſs had no power, and therefore we muſt conſider how it would be reaſoned upon in the ſeveral legiſlatures of the ſeparate ſtates, if, after being ſent by us to Congreſs, and by them to the ſeveral ſtates, in the courſe of twelve or fifteen months it ſhould be there debated. You muſt carry on the war ſix or nine months certainly for this compenſation, and conſequently ſpend, in the proſecution of it, ſix or nine times the ſum neceſſary to make the compenſation—for I preſume this war coſts every month to Great Britain, a larger ſum than would be neceſſary to pay for the forfeited eſtates.

England means, by inſiſting on our compenſating theſe worſt of enemies, to obtain from us a tacit acknowledgment of the right of the war, an implicit acknowledgment that the Tories have been juſtifiable, or at leaſt excuſable, and that we, only by a fortunate coincidence of events, have carried a wicked rebellion into a complete revolution.

At the very time when Britain profeſſes to deſire peace, reconciliation, perpetual oblivion of all paſt unkindneſſes, can ſhe wiſh to ſend in among us, a number of perſons whoſe very countenances will bring freſh to our remembrance, the whole hiſtory of the riſe and progreſs of the war, and of all its atrocities? Can ſhe think it conciliatory, to oblige us to lay taxes upon thoſe whoſe habitations have been conſumed, to reward thoſe who have burned them? Upon thoſe, whoſe property has been ſtolen, to reward the thieves? Upon thoſe whoſe relations have been cruelly deſtroyed, to compenſate the murderers?

SUNDAY, *November* 17, 1782.

Mr. Vaughan came to me yeſterday, and ſaid that Mr. Oſwald had that morning called upon Mr. Jay, and told him, if he had known as much the day before, as he had ſince learned, he would have written to go home. Mr. V. ſaid, Mr. Fitzherbert had received a letter from Lord Townſhend, that the compenſation would be inſiſted on. Mr. Oſwald wanted Mr. Jay to go to England—thought he could convince the miniſtry. Mr. Jay ſaid he muſt go with or without the knowledge and advice of the court, and in either caſe it would give riſe to jealouſies. He could not go. Mr. Vaughan ſaid he had determined to go, on account of the critical ſtate of his family, his wife being probably a bed. He ſhould be glad to converſe freely with me, and obtain from me all the lights and arguments againſt the Tories, even the hiſtory of their worſt actions—that in caſe it ſhould be neceſſary to run them down it might be done, or at leaſt expoſe them, for their true hiſtory was little known in England. I told him I muſt be excuſed, it was a ſubject that I had never been deſirous of obtaining information upon; that

 I pitied

I pitied those people too much, to be willing to aggravate their sorrows and sufferings, even of those who had deserved the worst. It might not be amiss to reprint the letters of Bernard, Hutchinson and Oliver, to shew the rise—it might not be amiss to read the history of Wyomins in the Annual Register for 1778 or 9,—to recollect the prison ships, and the churches at New York, where the garrisons of Fort Washington were starved, in order to make them inlist in refugee corps; it might not be amiss to recollect the burning of cities, and the thefts of plate, negroes and tobacco.

I entered into the same arguments with him that I had used with Mr. Oswald, to shew that we could do nothing—Congress nothing—the time it would take to consult the states, and the reasons to believe that all of them would at last decide against it. I shewed him that it would be a religious question with some—a moral one with others, and a political one with more; —an economical one with very few. I shewed him the ill effect which would be produced upon the American mind, by this measure—how much it would contribute to perpetuate alienation against England—and how French emissaries might, by means of these men, blow up the flames of animosity and war. I shewed him how the whig interest and the opposition might avail themselves of this subject in parliament, and how they might embarrass the minister.

He went out to Passy for a passport, and in the evening called upon me again—He said he found Dr. Franklin's sentiments to be the same with Mr. Jay's and mine, and hoped he should be able to convince Lord Shelburne—he was pretty confident it would work right—The ministry and nation were not informed upon the subject. Lord Shelburne had told him that no part of his office gave him so much pain as the levee he held for these people, and hearing the stories of their families and estates, their losses, sufferings, and distresses. Mr. Vaughan said he had picked up here a good deal of information about these people, from Mr. Allen and other Americans.

FRIDAY, *November* 29, 1782.

Met Mr. Fitzherbert, Mr. Oswald, Mr. Franklin, Mr. Jay, Mr. Laurens, and Mr. Strachey, at Mr. Jay's Hotel d'Orleans, and spent the whole day in discussions about the Fisheries and Tories. I proposed a new article concerning the fishery—it was discussed and turned in every light. Mr. Fitzherbert said, the argument is in your favour, I must confess, your reasons appear to be good; but Oswald's instructions were such, that he did not see how he could agree with us. I replied to this—The time is not so pressing upon us, but that we can wait till a courier goes to London with your representations upon this subject, and others that remain between us, and I think the ministers must be convinced.

Mr. Fitzherbert said, to send again to London, and have all laid loose before parliament, was so uncertain a measure, it was going to sea again.

Upon this Doctor Franklin said, that if another messenger was to be sent to London, he ought to carry something more respecting a compensation to the sufferers in America. He produced a paper from his pocket, in which he had drawn up a claim, and he said the first principle of the treaty was equality and reciprocity.—Now they demanded of us payment of debts, and restitution or compensation to the refugees. If a draper had sold a piece of cloth to a man upon credit, and then sent a servant to take it from him by force, and after bring his action for the debt, would any court of law or equity give him his demand without obliging him to restore the cloth. Then he stated the carrying off of goods from Boston, Philadelphia, and the Carolinas, Georgia, Virginia, &c. and the burning of the towns, &c. and desired that this might be sent with the rest.

Upon this I recounted the history of general Gage's agreement with the inhabitants of Boston, that they should remove with their effects, upon condition

dition that they would surrender their arms: but as soon as the arms were secured, the goods were forbid to be carried out, and were finally carried off in large quantities to Halifax. Doctor Franklin mentioned the case of Philadelphia, and the carrying off effects there—even his own library. Mr. Jay mentioned several other things, and Mr. Laurens added the plunders in Carolina, of negroes, plate, &c.

After hearing all this, Mr. Fitzherbert, Mr. Oswald, and Mr. Strachey retired for some time, and returning, Mr. Fitzherbert said, that upon consulting together, and weighing every thing as maturely as possible, Mr. Strachey and himself had determined to advise Mr. Oswald to strike with us according to the terms we had proposed as our ultimatum respecting the fishery and the loyalists. Accordingly we sat down and read over the whole treaty and corrected it, and agreed to meet to-morrow at Mr. Oswald's house, to sign and seal the treaties, which the secretaries were to copy fair in the mean time.

SATURDAY, *November 30th, St. Andrew's Day.*

We met first at Mr Jay's, then at Mr. Oswald's, examined and compared the treaties. Mr. Strachey had left out the limitation of time, the twelve months that the refugees were allowed to reside in America, in order to recover their estates if they could. Doctor Franklin said this was a surprise upon us. Mr. Jay said so too—we never had consented to leave it out, and they insisted upon putting it in, which was done. Then the treaties were signed, sealed, and delivered.

No. 10.

Extracts of letters from Doctor Franklin, to the Honourable R. R. Livingston, Secretary for foreign affairs.

PASSY, October 14th, 1782.

SOMETHING has been mentioned about the Refugees and English debts, but not insisted on, as we declared at once that whatever confiscations had been made in America, being in virtue of the laws of particular states, the Congress had no authority to repeal those laws, and therefore could give us none to stipulate for such repeal.

PASSY, December 5th, 1782.

The British Minister struggled hard for two points, that the favours granted to the royalists should be extended, and our fishery contracted.—We silenced them on the first by threatening to produce an account of the mischiefs done by those people; and as to the second, when they told us they could not possibly agree to it, as we required it, and must refer it to the ministry in London, we produced a new article to be referred at the same time, with a note of facts in support of it, which you have, No 3. Apparently, it seemed, that to avoid the discussion of this, they suddenly changed their minds, dropt the design of recurring to London, and agreed to allow the fishery as demanded.

Extract of a letter from Doctor Franklin to Richard Oswald, Esquire.

PASSY, *November 26th*, 1782.

SIR,

YOU may well remember, that in the beginning of our conferences, before the other commissioners arrived, on your mentioning to me a retribution for the loyalists whose estates had been forfeited, I acquainted you that nothing of that kind could be stipulated by us, the confiscation being made by

 virtue

virtue of laws of particular ſtates, which the Congreſs had no power to contravene or diſpenſe with, and therefore could give us no ſuch authority in our commiſſion. And I give it as my opinion and advice, honeſtly and cordially, that if a reconciliation was intended, no mention ſhould be made, in our negociations, of theſe people; for they have done infinite miſchief to our properties, by wantonly burning and deſtroying farm-houſes, villages, and towns; if compenſation for their loſſes were inſiſted on, we ſhould certainly exhibit againſt it an account of all the ravages they had committed, which would neceſſarily recal to view ſcenes of barbarity that muſt inflame inſtead of conciliating, and tend to perpetuate an enmity that we all profeſs a deſire of extinguiſhing. Underſtanding however from you, that this was a point your miniſtry had at heart, I wrote concerning it to Congreſs, and I have lately received the following reſolution, viz.

" *By the* UNITED STATES *in* CONGRESS *aſſembled.*

September 10, 1782.

" RESOLVED, That the Secretary for Foreign Affairs be, and he is hereby directed to obtain, as ſpeedily as poſſible, authentic returns of the ſlaves and other property which have been carried off or deſtroyed in the courſe of the war, by the enemy, and to tranſmit the ſame to the Miniſters Plenipotentiary for negociating peace."

" RESOLVED, That in the mean time the Secretary for Foreign Affairs inform the ſaid Miniſters, that many thouſands of ſlaves and other property to a very great amount, have been carried off or deſtroyed by the enemy; and that, in the opinion of Congreſs, the great loſs of property which the citizens of the United States have ſuſtained by the enemy, will be conſidered by the ſeveral States, as an inſuperable bar to their making reſtitution, or indemnification to the former owners of property, which has been, or may be forfeited to, or confiſcated, by any of the ſtates."

In conſequence of theſe reſolutions, and the circular letters of the Secretary, the Aſſembly of Pennſylvania, then ſitting, paſſed the following act, viz.

" An Act for procuring an eſtimate of the damages ſuſtained by the inhabitants of Pennſylvania, from the troops and adherents of the King of Great Britain, during the preſent war."

We have not yet had time to hear what has been done by the other aſſemblies, but I have no doubt that ſimilar acts will be made by all of them, and that the maſs of evidence produced by the execution of thoſe acts, not only of the enormities committed by thoſe people, under the direction of Britiſh generals, but of thoſe committed by the Britiſh troops themſelves, will form a record that muſt render the Britiſh name odious in America to the lateſt generations. In that authentic record will be found the burning of the fine towns of Charleſtown near Boſton, of Falmouth juſt before winter, when the ſick, the aged, the women and children, were driven to ſeek ſhelter where they could hardly find it. Of Norfolk in the midſt of winter. Of New-London, of Fairfield, of Eſopus, &c. &c. beſides near a hundred and fifty miles of well ſettled country laid waſte, every houſe and barn burnt, and many hundreds of farmers, with their wives and children, butchered and ſcalped.

The preſent Britiſh Miniſters, when they reflect a little, will certainly be too equitable to ſuppoſe that their nation has a right to make an *unjuſt* war (which they have always allowed this againſt us to be), and to do all ſorts of unneceſſary miſchief, unjuſtifiable by the practice of any civilized people, which thoſe they make war with are to ſuffer without claiming any ſatisfaction; but that if Britons or their adherents are in return deprived of any property, it is to be reſtored to them, or they are to be indemnified.

fied. The British troops can never excuse their barbarities. They were unprovoked. The loyalists may say in excuse of theirs, that they were exasperated by the loss of their estates, and it was revenge. They have then had their revenge. Is it right they should have both?

Some of these people may have a merit with regard to Britain, those who espoused her cause from affection; these it may become you to reward. But there are many of them who were waverers, and were only determined to engage in it by some occasional circumstances or appearances; these have not much of either merit or demerit, and there are others who have abundance of demerit, respecting your country, having by their falshoods and misrepresentations brought on and encouraged the continuance of the war. These, instead of being recompensed, should be punished.

It is usual among christian people at war, to profess always a desire of peace: but if the ministers of one of the parties choose to insist particularly on a certain article which they have known the others are not and cannot be empowered to agree to, what credit can they expect should be given to such professions?

Your ministers require that we should receive again into our bosom, those who have been our bitterest enemies, and restore their properties who have destroyed ours; and this, while the wounds they have given us are still bleeding. It is many years since your nation expelled the Stuarts and their adherents, and confiscated their estates. Much of your resentment against them may by this time be abated; yet if we should propose it, and insist on it as an article of our treaty with you, that that family should be recalled, and the forfeited estates of its friends restored, would you think us serious in our professions of earnestly desiring peace?

I must repeat my opinion, that it is best for you to drop all mention of the refugees. We have proposed indeed nothing but what we think best for you as well as ourselves. But if you will have them mentioned, let it be in an article which may provide, that they shall exhibit accounts of their losses, to commissioners hereafter to be appointed, who shall examine the same, together with the accounts now preparing in America, of the damage done by them, and state the account; and that if a balance appears in their favour, it shall be paid by us to you, and by you divided among them as you shall think proper. And if the balance is found due to us, it shall be paid by you.

Give me leave, however, to advise you to prevent the necessity of so dreadful a discussion, by dropping the article, that we may write to America, and stop the enquiry.

I have the honour to be, &c.

B. FRANKLIN.

ARTICLE 5*th* (*proposed*)

It is agreed that his Britannic majesty will earnestly recommend it to his parliament to provide for and make compensation to the merchants and shopkeepers of Boston whose goods and merchandize were seized and taken out of the stores, warehouses, and shops, by order of general Gage, and others of his commanders or officers there; and also to the inhabitants of Philadelphia for the goods taken away by his army there; and to make compensation also for the tobacco, rice, indigo, and negroes, &c. seized and carried off by his armies under generals Arnold, Cornwallis, and others, from the states of Virginia, North and South Carolina, and Georgia; and also for all vessels and cargoes belonging to the inhabitants of the said United States, which were stopt, seized, or taken, either in the ports or on the seas, by his governors, or by his ships of war, before the declaration of war against the said states.

And

And it is further agreed, that his Britannic majesty will also earnestly recommend it to his parliament to make compensation for all the towns, villages, and farms, burnt and destroyed by his troops or adherents in the said United States.

FACTS.

There existed a free commerce, upon mutual faith, between Great Britain and America. The merchants of the former credited the merchants and planters of the latter with great quantities of goods, on the common expectation that the merchants having sold the goods would make the accustomed remittances; that the planters would do the same by the labour of their negroes, and the produce of that labour, tobacco, rice, indigo, &c.

England, before the goods were sold in America, sends an armed force, seizes those goods in the stores, some even in the ships that brought them; and carries them off; seizes also and carries off the tobacco, rice, and indigo, provided by the planters to make returns, and even the negroes, from whose labour they might hope to raise other produce for that purpose.

Britain now demands that the debts shall nevertheless be paid.

Will she, can she, justly refuse making compensation for such seizures?

If a draper who had sold a piece of linen to a neighbour on credit, should follow him, take the linen from him by force, and then send a bailiff to arrest him for the debt, would any court of law or equity award the payment of the debt, without ordering restitution of the cloth?

Will not the debtors in America cry out that if this compensation be not made, they were betrayed by the pretended credit, and are now doubly ruined—first by the enemy, and then by the negociators at Paris; the goods and negroes sold them being taken from them, with all they had besides, and they are now to be obliged to pay for what they have been robbed of.

No. 11.

Extracts from Dr. Franklin's Journal of Negociations for Peace with Great-Britain.

MR. OSWALD also gave me a copy of a paper of memorandums written by Lord Shelburne, viz.

That an establishment for the loyalists must always be upon Mr. Oswald's mind, as it is uppermost in Lord Shelburne's, besides other steps in their favour, to influence the several states to agree to a fair restoration or compensation for whatever confiscations have taken place.

As to the loyalists I repeated what I had said to him when first here, that their estates had been confiscated by the laws made in the particular states, where the delinquents had resided, and not by any law of Congress, who indeed had no power either to make such laws, or to repeal them, or to dispense with them; and therefore could give no power to their commissioners to treat of a restoration for those people: that was an affair appertaining to each state. That if there were justice in compensating them, it must be due from England rather than from America; but in my opinion, England was not under any very great obligations to them, since it was by their misrepresentations and bad counsels that she had been drawn into this miserable war; and that if an account was to be brought against us for their losses, we should more than balance it by an account of the ravages they had committed all along the coasts of America. Mr. Oswald agreed to the reasonableness of all this, and said he had, before he came away, told the ministers that he thought no recompence to those people was to be expected from us.

No. 12.

Extract of a Letter from the Commissioners of the United States for negociating Peace with Great-Britain, to the President of Congress, dated

PASSY, *10th September*, 1783.

PERMIT us to observe, that in our opinion the recommendations of Congress, promised in the 5th article, should immediately be made in the terms of it, and published; and that the states should be requested to take it into consideration as soon as the evacuation by the enemy should be completed.—It is also much to be wished that the legislatures may not involve all the Tories in banishment and ruin, but that such discriminations may be made as to entitle the decisions to the approbation of disinterested men, and dispassionate posterity.

No. 13.

VIRGINIA, *to wit.*

GENERAL Assembly, begun and held at the public buildings in the city of Richmond, on Monday, the eighteenth day of October, in the year of our Lord one thousand seven hundred and eighty-four.

An Act respecting future Confiscations.

Whereas it is stipulated by the sixth article of the treaty of peace between the United States and the King of Great-Britain, that there shall be no future confiscations made:

Be it enacted, That no future confiscations shall be made, any law to the contrary notwithstanding.—Provided that this act shall not extend to any suit depending in any court which commenced prior to the ratification of the treaty of peace.

(Signed) ARCHIBALD CARY, Speaker of the Senate.
JOHN TYLER, Speaker H. Dels.

Certified as a true copy from the enrollment.

JOHN BECKLEY, Clk. H. Dels.

No. 14.

By his excellency Benjamin Harrison, Esquire, Governor of the Commonwealth of Virginia, A PROCLAMATION.

WHEREAS I have received information, that there are, in different parts of this commonwealth, combinations formed by a number of persons who, impelled by a turbulent spirit, have manifested a disposition to treat with outrage some of those who have returned to this state under the sanction of the definitive trenty of peace, and the acts of assembly passed in October last. And whereas such a disposition, unless early suppressed by the interposition of government, might grow into a dangerous evil, disturb the quiet of the commonwealth, and involve a violation of the public faith and honour, so solemnly pledged for preserving sacred the articles of the treaty, as signed and ratified: To prevent, therefore, effectually, the dangerous consequences to be apprehended from the licentiousness of such persons, I have thought fit, by and with the advice of the council of state, to issue this my proclamation, strictly enjoining all magistrates and other civil officers to use their utmost vigilance in the preservation of the peace; and particularly to extend the earliest protection to all those who come within the description of the said acts of assembly,

bly, and have reason to apprehend danger from such riotous persons; and to secure to them the enjoyment of those rights which they derive both from the treaty and acts of assembly aforesaid: And that no person, or description of persons, may presume hereafter, on the hope of escaping with impunity, to do any act which shall contravene the one, or oppose the other, I do farther declare, that government being resolved inviolably to support the public honour, and to enforce a pointed execution of the law, will not fail to take the most effectual measures for bringing to condign punishment all those who, senseless to the obligation of a solemn treaty, and unmindful of the dignity and honour of their country, pledged for its support, shall be hardy enough to offend herein.

Given under my hand and the seal of the Commonwealth in the council chamber at Richmond, this 26th day of July, in the year of our Lord 1784, and of the Commonwealth the ninth,

(L. S.)

BENJAMIN HARRISON.

Attest.

A. BLAIR, C. C.

A copy from the original Proclamation in the office of the Executive.

Attest. SAM. COLEMAN, A. C. C.

No. 15.

Extract of a letter from George Read, jun. Attorney of the United States for the district of Delaware, to the Secretary of State, dated New Castle, on Delaware, November 4th, 1790.

FROM the result of all my enquiries on the subject of your letter, I am induced to believe that no proceedings of any kind have taken place within this state, since the treaty of peace, tending in any manner to affect the persons or property of British subjects or American refugees, in contravention to that treaty. Whatever property any British subject might have had within this state, at or after the declaration of independence, the same hath been in no wise altered or diminished by any act of the state legislature. The confiscations of property specially declared by law, extended only to citizens and subjects of the state; and such outstanding debts which British subjects might have had within the state, I have generally understood, have been settled by such their debtors as had ability to pay, in a way satisfactory to the creditors, or their agents; and almost the only suits which have been brought were against persons whose circumstances were declining, or against the representatives of deceased persons, but in no instance that hath come to my knowledge, hath the least clamour or complaint been made or raised against any man of the law for commencing such suits, or any distinction urged, during their pendency in the courts. As to the American refugees, I do not know that the property of any other of them than specially named in the act of assembly of this state, of the 26th of June 1778, and transmitted with this, was seized upon and taken as forfeited; and several of those persons have returned since the peace, and resided without disturbance in the neighbourhood of their former dwellings, though no instances of any restitution of their property, within my knowledge. As to the state, it derived no benefit from the sales of their estates, they being made for continental paper; and the court of claims which was established some time after, in favour of the creditors of such whose property had been declared to be forfeited under the act aforesaid, having allowed the debts of those creditors in specie to an amount exceeding the specie value of the paper received for that property.

From

From every information I have heretofore had of alledged infractions of the treaty, I never underſtood the government in this ſtate, or any executive department thereof, or the conduct of its citizens, with regard to Britiſh ſubjects or American refugees were at any time included, and ſuch I am told was the decided opinion of the legiſlature of this ſtate. At the time of their paſſing the act of the 2d of February 1788, herewith alſo tranſmitted " for repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majeſty, or any article thereof." As that act was framed by the late Congreſs, in the terms in which it is expreſſed, and paſſed by our legiſlature, upon the ſpecial requiſition of that body, which was made circular to all the ſtates then in the union.

I have the honor to be with great reſpect,
Sir, your moſt obedient, and
very humble ſervant,
GEO: READ, jun.

The Honorable
Thomas Jefferſon, Eſq.

No. 16

IN COUNCIL,
Philadelphia, Thurſday December 16, 1790.

Upon the report of the committee to whom was referred the letter from the Comptroller General of the 15th September laſt, informing council, that the following lots " in the city of Philadelphia, forfeited to the common-" wealth by the attainder of Harry Gordon for high treaſon, viz. a corner " lot on the ſouth ſide of Walnut-ſtreet and eaſt ſide of Fourth-ſtreet from " Delaware river, being in front on Walnut-ſtreet, 16 1-2 feet, and in depth " on Fourth-ſtreet 37 feet, with a privilege of a three-feet alley at the ſouth " end of the lot, ſubject to a ground rent of 13 dollars and 3-8 of a dollar " annually, and conſiderable arrears. And one other lot adjoining the above " lot, bounded on the north by Walnut-ſtreet, on the eaſt by ground late of " Robert Morris, Eſq. on the weſt by Charles Moore's ground, and part by " the above deſcribed lot and alley, being 16 1-2 feet in front, and 47 feet " 10 inches and a half deep more or leſs, ſubject to an annual rent charge of " 5l. 0s. 3d. with arrearages thereof," remains unſold, and ſubmitting it to council, whether it would be proper, at this time, to direct the ſale of the ſaid lots:

Reſolved, That the lots before deſcribed be expoſed to the public ſale, according to law.

No. 17.

(Copy,) In Aſſembly, January 31ſt, 1784.

A meſſage from his Excellency the Governor to the legiſlature (tranſmitted to this houſe by the honourable the Senate,) was read, and is the words following, to wit:

GENTLEMEN,

It is with pleaſure I embrace the earlieſt opportunity of laying before you, a Proclamation of the United States, in Congreſs aſſembled, under their ſeal, dated the fourteenth day of January inſtant, announcing the ratification of the definitive articles of peace and friendſhip between theſe ſtates and his Britannic Majeſty, and enjoining a due obſervance thereof.

I alſo ſubmit to your conſideration, the recommendation of the United States in Congreſs aſſembled, in conformity to the ſaid articles, contained in their reſolution of the ſaid fourteenth day of January inſtant.

New York, January 30th, 1784. GEO: CLINTON.

The papers which accompanied the ſaid meſſage of his Excellency the Governor, were alſo read.

Ordered, That the ſaid meſſage of his Excellency the Governor, and the papers which accompanied the ſame, be committed to a committee of the whole houſe.

In Aſſembly, March 31ſt, 1784

A copy of certain reſolutions of the honourable the Senate, delivered by Mr. Schuyler, were read, and are in the words following, viz.

"RESOLVED, (if the honourable the Houſe of Aſſembly concur herein,) that it appears to this legiſlature, that in the progreſs of the late war, the adherents of the King of Great Britain, inſtead of being reſtrained to fair and mitigated hoſtilities, which are only permitted by the laws of nations, have cruelly maſſacred without regard to age or ſex, many of our citizens, and wantonly deſolated and laid waſte a very great part of this ſtate, by burning not only ſingle houſes, and other buildings, in many parts of this ſtate, but even whole towns and villages, and deſtroying other property throughout a great extent of country, and in enterprizes which had nothing but vengeance for their object."

"And that, in conſequence of ſuch unwarrantable operations, great numbers of the citizens of this ſtate have, from affluent circumſtances, been reduced to poverty and diſtreſs.

"Reſolved, that it appears to this legiſlature, that divers of the inhabitants of this ſtate, have continued to adhere to the King of Great Britain, after theſe ſtates were declared free and independent, and perſevered in aiding the ſaid King, his fleets and armies, to ſubjugate theſe United States to bondage.

"Reſolved, That as on the one hand, the rules of juſtice do not require, ſo on the other, the public tranquillity will not permit that ſuch adherents who have been attainted, ſhould be reſtored to the rights of citizenſhip."

"And that there can be no reaſon for reſtoring property which has been confiſcated or forfeited, the more eſpecially as no compenſation is offered on the part of the ſaid King and his adherents for the damages ſuſtained by this ſtate and its citizens, from the deſolation aforeſaid."

"Reſolved therefore, that while this legiſlature entertain the higheſt ſenſe of national honour, of the ſanction of treaties, and of the deference which is due to the advice of the United States, in Congreſs aſſembled, they find it inconſiſtent with their duty to comply with the recommendation of the ſaid United States, on the ſubject matter of the fifth article of the definitive treaty of peace."

Reſolved, that this Houſe do concur with the honourable the Senate in the ſaid reſolutions.

Ordered, that Mr. Gordon and Mr. Lott, deliver a copy of the laſt preceding reſolution of concurrence to the honourable the Senate.

State of New-York, ſſ.

I certify that the aforegoing are true extracts from the Journals of the Aſſembly, this 19th day of July, 1786.

ISAAC VAN VLECK,
for
JOHN M'KESSON. Clerk.

(Copy.)

No.

No. 18.

Copy of a letter from his Excellency Samuel Huntington, Governor of Connecticut, to the Honourable John Jay, Secretary for Foreign Affairs.

COUNCIL CHAMBER, HARTFORD, June 12th, 1786.

SIR,

YOUR letter of the 3d ultimo, addressed to the Governor of Connecticut, requesting information whether and how far this state has complied with the recommendation of Congress, pursuant to the treaty of peace with Great Britain, hath been received.

In compliance with your request, I have the satisfaction to inform you, that the statutes of this state have all been revised since the peace, and all penal laws which subjected any person to prosecution by reason of any part he had taken during the war, were repealed, the whole code as revised, are transmitted to Congress; by examining those acts, you may obtain the best possible information on this article; there is nothing in them, we apprehend, inconsistent with the spirit and intent of the treaty.

This state has never confiscated any estate belonging to real British subjects, or had any law existing that would warrant such confiscation.

Where confiscations had taken place against citizens of the United States, who resided in districts in the possession of the British during the war, but had not borne arms, some of them on application have obtained a restitution of their estates, and we have no law now existing to prohibit any person from making the like application, or residing among us for that purpose.

The sixth article of the treaty was immediately observed on receiving the same with the proclamation of Congress; the courts of justice adopted it as a principle of law: No further prosecutions were instituted against any person who came within that article, and all such prosecutions as were then pending were discontinued, so far as my knowledge or information extends; and I am satisfied it was universally the case with respect to all persons who could claim the benefit of this article. I may add in general terms, that the legislature of this state, and executive courts, have religiously adhered to the treaty, and in no instance, as we conceive, contravened any article therein contained.

I have the honour to be,
With sentiments of high esteem,
Your most obedient humble servant,
SAM. HUNTINGTON.

Honourable JOHN JAY, *Esq.*

No. 19.

Extract of a Letter from William Channing, Esquire, Attorney of the United State for Rhode-Island District, to the honourable Thomas Jefferson, Secretary of State.

NEWPORT, *November* 24, 1790.

SIR,

THE letter you were pleased to honour me with of the 12th of August, I received soon after the date, and have since attended to the objects it respected. The situation of the records of our state made your commission a business of some difficulty, and a part of it still remains unexecuted. That part however is in a prosperous train.

Herewith are transmitted authenticated copies of all the acts of our legislature that affect either the debts or the persons of British subjects, or American refugees. As to the proceedings of the judiciary of this state upon these

acts, I have to obſerve, that the one for confiſcating of the eſtates of the perſons therein deſcribed, was early carried into effect, with regard to thoſe who were contemplated by it, the American refugees; and their eſtates were confiſcated and ſold, and the proceeds, after the payment of the debts of the original proprietors, were paid into the treaſury of the ſtate.

This act was conſidered by our courts as annulled by the treaty of peace, and ſubſequent to the ratification thereof, no proceedings have been had thereon. Government, during the war, were poſſeſſed of the real eſtates belonging to Britiſh ſubjects, but on the application of the proprietors they have been ſince reſtored, and the rents and profits accounted for.

The act of baniſhment has not been formally repealed by the legiſlature, but I have not known any inſtance in which it has been enforced, although many perſons either named or deſcribed in the act, have ſince the war, reſided, and ſome of them ſtill reſide among us.

The courts of this ſtate have been ever open alike to the Britiſh ſubject and the American citizen; and equally enabled either to recover his juſt debt, agreeable to contract, until the ſubſtituting and paper money acts were made. The firſt of theſe acts was repealed ſoon after the paſſing of it, but the other continued to operate until September, 1789. But previous to this, in September, 1787, from an idea that the making the paper money a tender might be conſidered as an infraction of the treaty with Great Britain, the legiſlature paſſed the reſolution declaring the obligation of the treaty ſacred and inviolable.

I have the honour to be, with great reſpect,
Sir,
Your moſt obedient,
and moſt humble ſervant,
WILLIAM CHANNING.

Honourable THOMAS JEFFERSON, *Eſq.*

No. 20.

Copy of a Letter from his Excellency John Collins, Governor of Rhode Iſland, to the honourable John Jay, Secretary for foreign affairs.

NEWPORT, *September 4th*, 1786.

SIR,

Your firſt letter requeſting information of the meaſures of this ſtate, reſpecting the treaty of peace between the United States and Great Britain, hath been by the legiſlature referred, and the report is not made.

However, be pleaſed to be informed, that upon the treaty, and the conſequent ratification of Congreſs, being preſented to the General Aſſembly, they immediately requeſted the governor to make known the contents thereof to all the citizens, by proclamation, under the authority of the ſtate, requiring a ſtrict compliance therewith; this was done.

All proſecutions againſt abſentees and others for the part they had taken in the war, that had not been finiſhed, were immediately nullified, and no farther confiſcations have taken place. All perſons reſiding under the protection of the treaty, and that have applied to the legiſlature for the reſtitution of property, or the rights of citizenſhip, denization, or even the capacity of proſecuting actions or ſuits at law, have been heard, and in moſt inſtances their requeſts have been granted. The laws from that moment have been and ſtill are open to Britiſh ſubjects, to recover their debts in the ſame manner as to citizens of the ſtate. In ſhort the treaty, in all its abſolute parts,

parts, has been fully complied with, and to those parts that are merely recommendatory, and depend upon the legislative discretion, the most candid attention hath been paid.

I have the honor of being,
Sir,
Your most obedient, humble servant,
JOHN COLLINS.

His Excellency JOHN JAY.

No. 21.

Extract of a letter from Sir Guy Carleton, to his Excellency General Washington, dated New-York, April 6, 1783.

SIR,

A PACKET from England arrived in this port last night, by which I have dispatches from Mr. Townshend, one of his Majesty's principal Secretray of State, communicating official intelligence, that the preliminary articles of peace with France and Spain were signed at Paris, on the 20th of January last; and that the ratifications have been since exchanged at the same place.

And I am further to inform your excellency, that an instrument of accession to the suspension of hostilities by the States General of the United Provinces, having been received in England, a cessation of arms with those states, has been thereupon included in the proclamation.

No. 22.

Chambly, August 3d, 1783.

SIR,

THE United States of America in Congress having charged their commander in chief with making the necessary arrangements with the commanders in chief of the British armies, for receiving the posts now occupied by the troops of his Britannic majesty, and which are within the United States; for this object, as well as for others relative to the preliminary articles of peace, I am ordered by his excellency General Washington, to concert such measures with your excellency, as shall be mutually agreeable.

Major North, my aid-de-camp, will inform your excellency, that I am on my route to Quebec, where I expect in three or four days to assure you that I am,

Your excellency's most obedient humble servant,
STEUBEN.

His Excellency General HALDIMAND.

No. 23.

St. John's, 13th August, 1783.

SIR,

IN answer to the letter which I had the honor to receive from you yesterday, desiring a final answer, in writing, to the requisitions which you have made in the name of the United States, I very readily comply with that desire, though the sense of my answer can be no more than a repetition of that which I have made to his excellency General Washington, delivered to you under a flying seal. I have therefore the honor to acquaint you that however definitive the United States may consider the provisional treaty to be, the sense I have of my duty, and the customs of war, will not permit me to consider a cessation of hostilities in that light. The orders I have received, direct a discontinuance

continuance of every hostile act on my part, and an attention to defensive measures only, I have most punctually obeyed them, and shall continue to do so, until I shall receive his majesty's further commands. I have not a doubt of the wishes expressed in your letter, of the United States to establish a perfect harmony with Great-Britain, by making good every engagement on their part. You will at the same time allow me to express an equal confidence, that every promise on the part of Great-Britain, will in due time be fulfilled. But it is not for me to anticipate on this occasion. When the ratification of peace shall be announced to me, I beg you will be assured that it will afford me the highest pleasure to execute every instruction I shall receive relative to it, with the utmost punctuality and dispatch; until that event shall arrive, it is totally out of my power to permit you to proceed to the posts in the upper country, or in fact to treat with you on the subject of your mission. Wishing you a safe and agreeable passage,

I have the honour to be, &c.

Major General Baron Steuben, FRED: HALDIMAND.

No. 24.

SARATOGA, 23d August, 1783.

SIR,

I HAVE the honor to inform your Excellency, that I arrived here last night, and had my health permitted, should have continued my journey, until I could have had the honour to inform your Excellency in person, of the success of my mission. Lieut. Col. Villefranche will present this; to him I beg leave to refer for such observations relative to the situation of certain places, as I have been able to make during my tour.

I esteem myself very unfortunate that I could not succeed in the business, with which I was charged, and am only consoled by the idea that your Excellency will believe that every thing which was in my power to do, was done, to answer the wishes of your Excellency and of Congress.

I arrived at Chambly the 2d of August, from whence I sent Major North to announce my arrival to Gen. Haldimand; inclosed is a copy of my letter and his answer, which did not meet me till I had reached Dechambault.

According to Gen. Haldimand's appointment, we met at Sorel on the 8th, where I presented your Excellency's letter and opened the business on which I was sent.

To the first proposition which I had in charge to make, General Haldimand replied, that he had not received any orders for making the least arrangement for the evacuation of a single post; that he had only received orders to cease hostilities; those he had strictly complied with, not only by restraining the British troops, but also the savages from committing the least hostile act; but that until he should receive positive orders for that purpose, he would not evacuate an inch of ground.

No. 25.

Copy of a letter from his Excellency Governor Clinton, to his Excellency General Haldimand, dated New-York, March 19, 1784.

SIR,

I NOW do myself the honour to transmit to your Excellency the copy of a proclamation of the United States of America in Congress assembled, announcing the ratification of the definitive treaty of peace, between these states, and his Britannic Majesty, and enjoining a due observance thereof.

Having no doubt that your Excellency will as soon as the season admits, withdraw the British garrisons under your command, from the places they now

now hold within the United States, agreeable to the 7th article of the treaty, it becomes a part of my duty to make the neceſſary proviſion for receiving the poſt of Niagara and the other poſts within the limits of this ſtate, and it is for that purpoſe, I have now to requeſt that your Excellency would give me every poſſible information of the time when thoſe poſts are to be delivered up.

Lieut. Col. Fiſh who will have the honour to deliver this diſpatch, is entruſted to confer with your Excellency, and to endeavour to make ſuch arrangements for the tranſaction of this buſineſs as ſhall tend to promote mutual convenience, and that harmony which it is the intereſt of both parties, and doubtleſs their deſire to eſtabliſh.

I have the honour to be, &c.

CEO: CLINTON.

His Excellency Gen. Haldimand.

No. 26.

His Excellency General Haldimand's anſwer to the foregoing letter, dated Quebec, 10th May, 1784.

SIR,

SOME accident, which has befallen the packet or meſſenger, has hitherto prevented me from receiving from England, any notification of the definitive treaty; but as in conſequence of orders which I received laſt ſummer, ſubſequent to the ratification of the preliminary articles, all hoſtilities ceaſed, no great inconveniences have hitherto ariſen from that misfortune. I only regret, that not having had the honour to receive orders and inſtructions, relative to withdrawing the garriſons from the upper countries, which are without the limits aſſigned to the province under my command, by the definitive treaty, I cannot at preſent enter into any arrangements with lieut. col. Fiſh, or give your excellency the information which you deſire.

My duty and my inclination is, to pay chearful and punctual obedience to the orders and inſtructions which I ſhall have the honour to receive; and your excellency may be aſſured, that upon every occaſion, I will exert my utmoſt endeavours to promote harmony and mutual convenience between the ſubjects of both nations, as well as in my tranſactions with your excellency, or the United States of America,

I have the honour to be, &c.

FRED: HALDIMAND.

His Excellency Gov. Clinton.

No. 27.

Copy of a letter from Lieut. Col. Hull, to his Excellency General Haldimand, dated Quebec, 12th of July, 1784.

SIR,

I AM inſtructed to requeſt of your excellency, in behalf of the United States of America, the preciſe time when each of the poſts within their territories, now occupied by his Britannic majeſty's forces, will be delivered up agreeably to the definitive treaty of peace, and to propoſe, as a matter of mutual convenience, an exchange of certain cannon and ſtores now at the poſts to be evacuated, for cannon and ſtores to be delivered at Weſt-Point, New-York, or ſome other convenient place. With regard to the firſt point, as the ſeaſon of the year is already far advanced, and as much time will be required, in finiſhing the neceſſary ſupplies for the garriſons during the winter, it is an object of very great importance, and I muſt beg leave to be ſolicitous with your excellency to fix a very early period.

As

As the posts of the above description are numerous, and it being probable that it may not be convenient to withdraw the troops from the whole exactly at the same time, I wish your excellency to fix the precise period when each will be delivered up.

If your excellency approves the proposal of exchanging the cannon and stores, it will be necessary to fix on some criterion of their goodness: I would therefore propose, that the particular negociation be referred to two artillery officers, one from each side, who shall personally inspect the cannon and stores, and in case of not agreeing, call in a third person.

I have the honour to be, &c.

WM. HULL.

His Excellency General Haldimand.

No. 28. A.

His Excellency General Haldimand's Answer to the foregoing Letter, dated Quebec, 13th July, 1784.

SIR,

I HAVE had the honour of your letter of yesterday, and have communicated to major general Knox, by the enclosed letter, the reasons which put it out of my power to enter, for the present, into the consideration the matter mentioned in your letter.

I have the honour to be, &c.

FRED. HALDIMAND.

No. 28. B.

Copy of a letter from his Excellency General Haldimand, to major general Knox, dated Quebec, the 13th July, 1784.

SIR,

I HAVE had the honour to receive your letter dated New-York, 13th of last June, by lieut. col. Hull, acquainting me you was directed by Congress, the sovereign authority of the United States, to write to me, in order to ascertain the precise time when each of the posts within the United States, now occupied by the troops of his Britannic majesty, shall be delivered, agreeable to the definitive treaty of peace, and to propose as a matter of mutual convenience, an exchange of certain cannon and stores, now at these posts, for others to be delivered at West-Point, upon Hudson's river, New-York, or some other convenient place.

I have the honour to enclose, for your information, copies of letters which passed between his excellency Governor Clinton and me, upon the first part of your proposition. Though I am now informed, by his majesty's ministers, of the ratification of the definitive treaty of peace, I remain, in other respects, in the same situation I then was, not having received any orders to evacuate the posts which are without the limits assigned, by the treaty of peace, to this province.

It is therefore impossible for me to ascertain the time when the evacuation of these posts shall commence. I can only assure your excellency, that I shall lose no time in carrying into execution his majesty's orders on that head, when I shall have the honor to receive them.

In the mean time I have to acquaint you, that however desirous I am to consult mutual convenience, I am not at present empowered (and have reason to think I will not in future be empowered) to make the exchange of cannon and stores proposed by you, and for which Lieut. Col. Hull was authorised to make the proper arrangements.

I have the honour to be, &c.

FRED. HALDIMAND.

His Excellency major-general Knox.

No. 29.

The UNITED STATES *in* CONGRESS *assembled.*

May 26th, 1783.

WHEREAS by the articles agreed upon on the 30th of November last, by and between the commissioners of the United States of America for making peace, and the commissioners on the part of his Britannic majesty, it is stipulated, that his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbour, within the same; and whereas a considerable number of negroes belonging to the citizens of these states, have been carried off therefrom, contrary to the true intent and meaning of the said articles:

Resolved, That copies of the letters between the commander in chief and Sir Guy Carleton, and other papers on this subject, be transmitted to the ministers plenipotentiary of these states for negociating a peace in Europe; and that they be directed to remonstrate thereon to the court of Great-Britain, and take proper measures for obtaining such reparation as the nature of the case will admit.

Ordered, That a copy of the foregoing resolve be transmitted to the commander in chief, and that he be directed to continue his remonstrance to Sir Guy Carleton, respecting the permitting negroes belonging to the citizens of those states to leave New-York, and to insist on the discontinuance of that measure.

No. 30.

VIRGINIA, *to wit*,

In General Assembly, the 22d of June, 1784.

IT appearing to the General Assembly, from a letter from his excellency general Washington, dated the seventh day of May, 1783, that in obedience to a resolution of Congress, he had a conference with general Carleton, on the subject of delivering up the slaves and other property belonging to the citizens of the United States, in compliance with the articles of the provincial treaty; that he (general Carleton) appeared to evade a compliance with the said treaty, by a misconstruction of the same, and permitted a large number of the said slaves to be sent off to Nova-Scotia. It further appearing to the General Assembly, from the testimony of Thomas Walke, Esquire, that he, together with several other persons from the counties of Norfolk and Province-Anne, in or about the month of April, 1783, went to New-York, with a view of recovering the slaves which had been taken from them by the British troops during the war; that not being permitted to take possession of those slaves which they found in that city, the said Walke made a personal application to general Carleton, and requested a delivery of the said slaves, in compliance with the seventh article of the treaty, which prohibits the carrying off negroes, or other property, belonging to the inhabitants of the United States; this he peremptorily refused, alledging that he was not authorized to do it, without particular instructions from the British government; that at the time of this application the said Walke was informed by an aid-de-camp of general Carleton, that an agent was appointed to superintend the embarkation, and keep a register of slaves sent to Nova-Scotia, and that he afterwards saw the said register, and also saw a large number of negroes embarked to be sent to that country. It farther appearing to the General Assembly, from the testimony of Mr. John Stewart, of the state of Maryland, as well as from a variety of other circumstances,

 that

that many applications were made to general Carleton by citizens of America for the restitution of property, which were invariably rejected:

Resolved, That there has been an infraction, on the part of Great-Britain, of the seventh article of the treaty of peace between the United States of America and Great-Britain, in detaining the slaves and other property of the citizens of the United States

Resolved, That the delegates representing this state in Congress be instructed to lay before that body the subject matter of the preceding information and resolution, and to request from them a remonstrance to the British court, complaining of the aforesaid infraction of the treaty of peace, and desiring a proper reparation of the injuries consequent thereupon; that the said delegates be instructed to inform Congress that the General Assembly has no inclination to interfere with the power of making treaties with foreign nations, which the confederation hath wisely vested in Congress; but it is conceived, that a just regard to the national honour and interest of the citizens of this commonwealth obliges the Assembly to withhold their co-operation in the complete fulfilment of the said treaty, until the success of the aforementioned remonstrance is known, or Congress shall signify their sentiments touching the premises.

Resolved, That so soon as reparation is made for the aforesaid infraction, or Congress shall judge it indispensably necessary, such Acts of the legislature passed during the late war, as inhibit the recovery of British debts, ought to be repealed, and payment thereof made in such time and manner as shall consist with the exhausted situation of this commonwealth.

Extract from the Journal of Assembly,

JOHN BECKLEY, Clk. H. D.

No. 31.

Circular letter to the Governors of the several States.

Office for Foreign Affairs, 3d May, 1786.

SIR,

CONGRESS has been pleased to order, that I should "report particularly and specially how far the several states have complied with the proclamation of Congress, of the 14th January, 1784, and the recommendation accompanying the same pursuant to the definitive treaty of peace, between the United States of America and Great Britain."

In order that I may be able to fulfil the expectations of Congress, I must request the favour of your excellency, to inform me whether, and how far the state (or commonwealth) of has complied with the recommendation in question. I have the honour to be, &c.

JOHN JAY.

No. 32.

STATE *of* NEW-HAMPSHIRE,

In the year of our Lord, one thousand seven hundred and eighty-six.

(L. S.) *An act in compliance with the treaty of peace, between the United States and his Brittannic majesty, and with the recommendation of Congress, of the 14th of January, 1784, founded thereon.*

WHEREAS several Acts and Laws, during the late war with Great-Britain, were passed by this state, which are found to be incompatible with the definitive treaty of peace and friendship. And whereas Congress did, on the 14th day of January, 1784, earnestly recommend to the legislatures of the respective

respective states, to re-consider and revise all their Acts and Laws respecting the premises, so as to render such Acts and Laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail.

Therefore—Be it enacted by the Senate and House of Representatives in general court convened, That the fourth article of the said definitive treaty, viz. It is agreed, that the creditors on either side, shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted, be complied with, as far as it respects this state; and that the subjects of his Britannic majesty shall meet with no lawful impediment to the recovery of any such debts, but shall have a right to recover the same, in the manner and way solemnly stipulated in the said article.

And be it further enacted, that in case any of the estates, rights, and properties of any real British subjects, or any of the estates, rights, and properties, of any person or persons resident in any district or districts which were in the possession of his Britannic majesty's arms, between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the United States, shall have been confiscated, the Act or Acts so confiscating, shall be, and hereby are repealed; and persons of any other description, shall have free liberty to go to any part or parts of this state (provided that within fourteen days after their first arrival, they lodge their names in the Secretary's office), and to reside in any town, place, or district herein, during the space of one year, to commence from the day of their first arrival in this state, and no longer; and to remain unmolested in their endeavours to obtain the restitution of such of their estates, rights, and properties, as have been confiscated.

And be it further enacted by the authority aforesaid, that the Act of this state, passed the 19th day of November, 1778, entitled, "An Act to prevent the return to this state, of certain persons, therein named, and of others who have left or shall leave this state or either of the United States of America, and have joined or shall join the enemies thereof," so far as the same militates with the said articles of peace: Also the Act passed the 28th day of November, 1778, entitled, "An Act to confiscate the estates of sundry persons therein named," together with the additional Acts to the said two Acts, and all other Acts and Resolves of this state, so far as they militate with or are repugnant to the spirit and meaning of said treaty of peace and friendship between the United States and his Britannic majesty, shall be and hereby are repealed and made void.

STATE *of* NEW-HAMPSHIRE.

In the House of Representatives, Sept. 15th, 1786.

THE foregoing bill having been read a third time, voted that it pass to be enacted. Sent up for concurrence,

JOHN LANGDON, Speaker.

In Senate, the 15th of September, 1786.

THIS bill having been read a third time, voted that the same be enacted.

JNO. SULLIVAN, President.

Copy examined, per

JOSEPH PEARSON, Sec'ry.

No. 33.

COMMONWEALTH *of* MASSACHUSETTS.

In the year of our Lord one thousand seven hundred and eighty-seven.

An Act for repealing any Acts or parts of Acts, heretofore passed by the legislature of this commonwealth, which may militate with, or infringe, the

treaty of peace entered into by the United States of America and Great-Britain.

Whereas certain laws or ſtatutes, made and paſſed in ſome of the United States, are regarded and complained of, as repugnant to the treaty of peace with Great-Britain, by reaſon whereof not only the good faith of the United States, pledged by that treaty, has been drawn into queſtion, but their eſſential intereſts under that treaty greatly affected.

And whereas juſtice to Great-Britain, as well as regard to the honour and intereſts of the United States, require, that the ſaid treaty be faithfully executed, and that all obſtacles thereto, and particularly ſuch as do, or may be conſtrued to proceed from the laws of this commonwealth, be effectually removed, therefore,

Be it enacted by the Senate and Houſe of Repreſentatives in General Court aſſembled, and by the authority of the ſame, that ſuch of the Acts or parts of Acts of the legiſlature of this commonwealth, as may be repugnant to the treaty of peace between the United States and his Britannic majeſty, or any article thereof, and ſo far as they may be repugnant thereto, ſhall be and hereby are repealed; and further, that the courts of law and equity within this commonwealth be, and they hereby are directed and required, in all cauſes and queſtions cognizable by them reſpectively, and ariſing from or touching the ſaid treaty, to decide and adjudge according to the tenor, true intent, and meaning of the ſame, any thing in the ſaid Acts or parts of Acts to the contrary thereof, in any wiſe notwithſtanding.

In the Houſe of Repreſentatives, 30th April, 1787.

This bill having had three ſeveral readings, paſſed to be enacted.

ARTEMAS WARD, Spkr.

In Senate, April 30th, 1787.

This bill having had two ſeveral readings, paſſed to be enacted.

SAMUEL PHILLIPS, jun. Preſidt.

By the Governors approved.

JAMES BOWDOIN.

A true copy. Atteſt,

JOHN AVERY, jun. Sec'ry.

No. 34.

STATE *of* RHODE-ISLAND, *and* PROVIDENCE PLANTATION.

In General Aſſembly, September Seſſion, A. D. 1787.

Be it enacted by the General Aſſembly, and by the authority thereof it is hereby enacted, that the treaty of peace entered into between the United States of America and his Britannic majeſty, is fully binding upon all the citizens of this ſtate as a law of the land, and is not in any reſpect to be receded from, miſconſtrued, or violated.

A true copy, witneſs,

HY. SHERBURNE, Deputy-Secretary.

No. 35.

(L. S.) *At a General Aſſembly of the State of Connecticut, holden at Hartford, on the ſecond Thurſday of May*, 1787.

WHEREAS the United States, in Congreſs aſſembled, have, by their reſolution of the 13th of April, 1787, recommended to the ſeveral ſtates to repeal all ſuch Acts and parts of Acts of their ſeveral legiſlatures, as may be now exiſting in any of the ſaid ſtates, repugnant to the treaty of peace between the

the United States and Great-Britain, and that each ſtate ſhall paſs ſuch Act of repeal, whether any ſuch exceptional Act is exiſting in ſuch ſtate or not, and that rather by deſcribing than reciting ſuch Act, for the purpoſe of obviating all diſputes and queſtions between the United States and Great-Britain relative to ſaid treaty; and although there hath been no complaint or ſuggeſtion, officially or otherwiſe, that there is any Act or part of an Act exiſting in this ſtate repugnant to ſaid treaty, yet this Aſſembly, being at all times diſpoſed to conform to the true intent and ſpirit of the articles of confederation, and to prevent and remove (ſo far as to this Aſſembly doth appertain) all cauſes of diſpute and contention, and every juſt ground of complaint, have thought fit to enact, and

Be it enacted by the governor, council, and repreſentatives, in general court aſſembled, and by the authority of the ſame, That ſuch of the Acts, or parts of Acts, of the legiſlature of this ſtate, as are repugnant to the treaty of peace between the United States and his Britannic majeſty, or any article thereof, ſhall be, and hereby are, repealed.

And be it further enacted by the authority aforeſaid, That the courts of law and equity within this ſtate be, and they hereby are directed and required, in all cauſes and queſtions cognizable by them reſpectively, and ariſing from or touching ſaid treaty, to decide and adjudge according to the tenor, true intent, and meaning of the ſame, any thing in the ſaid Acts, or parts of Acts, to the contrary thereof in any wiſe notwithſtanding,

A true copy of record, examined by

GEORGE WYLLYS, Secretary.

No. 36.

Copy from the ſecond Volume of the Laws of the State of New-York, publiſhed according to an Act of the Legiſlature.

An Act in the form of the Act recommended by the reſolution of the United States in Congreſs aſſembled, of the twenty-firſt day of March, one thouſand ſeven hundred and eighty-ſeven, to be paſſed by the ſeveral ſtates, relative to the treaty of peace between the United States and the king of Great-Britain. Paſſed 22d February, 1788.

WHEREAS certain laws or ſtatutes, made and paſſed in ſome of the United States, are regarded and complained of as repugnant to the treaty of peace with Great-Britain, by reaſon whereof not only the good faith of the United States, pledged by that treaty, has been drawn into queſtion, but their eſſential intereſts, under that treaty, greatly affected. And whereas juſtice to Great-Britain, as well as regard to the honour and intereſts of the United States, require that the ſaid treaty be faithfully executed, and that all obſtacles thereto, and particularly ſuch as do or may be conſtrued to proceed from the laws of this ſtate, be effectually removed: Therefore,

Be it enacted, by the people of the ſtate of New-York, repreſented in ſenate and aſſembly, and it is hereby enacted by the authority of the ſame, That ſuch of the Acts and parts of Acts of the legiſlature of this ſtate, as are repugnant to the treaty of peace between the United States and his Britannic majeſty, or any article thereof, ſhall be and hereby are repealed. And further, that the courts of law and equity, within this ſtate, be and they hereby are directed and required, in all cauſes and queſtions, cognizable by them reſpectively, and ariſing from or touching the ſaid treaty, to decide and adjudge according to the tenor, true intent, and meaning of the ſame; any thing in the ſaid Acts, or parts of Acts, to the contrary thereof, in any wiſe notwithſtanding.

No. 37.

In the twelfth Year of the Independence of the Delaware State.

At a Session of the General Assembly, commenced at Dover, on the twentieth day of October, 1787, and continued, by adjournment, to the second day of February following, inclusive, the following Acts were passed: that is to say,

An Act for repealing all Acts, or parts of Acts, repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof.

WHEREAS certain laws or statutes, made and passed in some of the United States, are regarded and complained of, as repugnant to the treaty of peace with Great-Britain; by reason whereof, not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests, under that treaty, greatly affected.

And whereas justice to Great-Britain, as well as regard to the honour and interests of the United States, require, that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this state, be effectually removed:—Therefore,

1. Be it enacted, by the general assembly of Delaware, and it is hereby enacted by the authority of the same, That such of the Acts, or parts of Acts, of the legislature of this state, as are repugnant to the treaty of peace between the United States and his Britannic majesty, or any article thereof, shall be and hereby are repealed.

And further, That the courts of law and equity, within this state be, and they hereby are directed and required, in all causes and questions, cognizable by them respectively, and arising from, or touching, the said treaty, to decide and adjudge according to the tenor, true intent, and meaning of the same; any thing in the said Acts, or parts of Acts, to the contrary thereof, in any wise, notwithstanding.

Signed, by order of the House of Assembly, JEHU DAVIS, Speaker.
Signed, by order of the Council, THOMAS M'DONOUGH, Speaker.

Passed at Dover, February 2d, 1788.

No. 38.

An act declaring the treaty of peace between the United States and his Britannic Majesty, the supreme law within this state.

Be it enacted by the general assembly of Maryland, and it is hereby declared, that the treaty of peace made between the United States of America, and his Britannic majesty is the supreme law within this state, and shall be so considered and adjudged in all courts of law and equity, and all causes and questions cognizable by the said courts, respectively ought, and shall be determined according to the said treaty, and the tenor, true intent, and meaning thereof.

By the Senate, May 14th, 1787. Read and assented to.
By order, J. DORSEY, Clerk.

By the House of Delegates, May 15th, 1787.
Read and assented to. By order,
Wm. HARWOOD, Clerk.

W. SMALLWOOD.

(*The great Seal, in wax appendant.*)

In testimony, that the aforegoing is a true copy from the original act of the General Assembly of Maryland, remaining in the general court, I have hereto set my hand, and affixed the seal of office, this 29th day of June, in the year of our Lord 1787.

(L. S.) THOs. B. HODGKIN, *Clerk G. Ct. W. Shore.*

No. 39.

Copy of an Act of the General Assembly of Virginia, passed December 12, 1787.

An act to repeal so much of all and every act or acts of assembly, as prohibits the recovery of British debts.

WHEREAS it is stipulated by the fourth article of the treaty of peace between the king of Great-Britain and the United States of America, in Congress assembled, that creditors on either side shall meet with no lawful impediment in the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted. Be it therefore enacted by the general assembly, that such of the Acts or parts of Acts, of the legislature of this commonwealth, as have prevented, or may prevent the recovery of debts due to British subjects, according to the true intent and meaning of the said treaty of peace, shall be, and are hereby repealed.

Provided, That this Act shall be suspended, until the governor, with the advice of council, shall by his proclamation notify to this state that Great-Britain hath delivered up to the United States, the posts therein now occupied by British troops, which posts were stipulated by treaty to be given up to Congress immediately after the conclusion of peace; and is also taking measures for the further fulfilment of the said treaty, by delivering up the negroes belonging to the citizens of this state, taken away contrary to the seventh article of the treaty, or by making such compensation for them, as shall be satisfactory to Congress.

No. 40.

An Act declaring the treaty of peace between the United States of America and the king of Great-Britain, to be part of the law of the land.

BE it enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that the articles of the definitive treaty between the United States of America and the king of Great-Britain, are hereby declared to be part of the law of the land.

And be it further enacted by the authority aforesaid, That the courts of law and equity, are hereby directed in all causes and questions, cognizable by them, respecting the said treaty, to judge accordingly.

Read three times, and ratified in general assembly, the 22d day of December 1787.

ALEX: MARTIN, S. S.
JNº: SITGREAVES, S. C.

No. 41.

Copy of a Letter from his Excellency William Livingston, Governor of New-Jersey, to the Honourable John Jay, Secretary for Foreign Affairs.

ELIZABETH-TOWN, 15th *June*, 1786.

SIR,

I HAVE been honoured with your letter of the 3d of May, informing me, that Congress has been pleased to order, that you should "report particularly and

and specially, how far the several states have complied with the proclamation of Congress, of the 14th January, 1784, and the recommendation accompanying the same, pursuant to the definitive treaty of peace between the United States of America and Great-Britain;" and requesting me to inform you, "whether, and how far, the state of New-Jersey has complied with the recommendation in question." In answer to which, I can only inform you, in general, that I do not know of a single instance, in which this state has not strictly complied with the said proclamation, as well as with the said recommendation, as far, as by the said treaty, the United States were bound to comply with such recommendation.

I have the honour to be, &c. WIL. LIVINGSTON.

The Honourable John Jay, Esq.

No. 42.

Extract of a Letter from Richard Stockton, Esquire, Attorney of the United States for New-Jersey District, to the Honourable Thomas Jefferson, Secretary of State, dated 11th December, 1790.

I AM happy in being able to inform you, that no laws have been enacted in New-Jersey, contravening the treaty of peace.

The only judiciary decision, affecting the rights of British subjects, in the state courts, was the opinion of a single judge (without the point coming solemnly before the court, upon argument) delivered in a charge to a jury, by which he directed the jury to make a deduction of interest upon an old bond, during the period of the late war.

How far this may be said to infringe the right of British subjects, you will judge.

I have the honour to be, &c.

RD. STOCKTON, Atty. of the New-Jersey District.

His Excellency Thomas Jefferson.

No. 43.

IN GENERAL ASSEMBLY.

MONDAY, *March 3d*, 1788, P. M.

THE report of the committee, on that part of the message from council, which respects the resolution of Congress, of the 21st of March last, read March 1st, was read the second time: Whereupon,

RESOLVED, That his excellency the president, and the honourable the supreme executive council, be informed, that this house having, by their committee, carefully examined into the subject matter of that part of the said message, which recommends to the notice of this house the resolution of Congress, passed March 21, 1787, and suggests the propriety of passing a declaratory act, to answer the end intended by the said resolution: they cannot find, that there is any Act or Acts, or any part or parts of any Act or Acts, passed by the legislature of Pennsylvania, now in force, which are repugnant to the treaty of peace between the United States and his Britannic majesty, or to any articles thereof, or that at all tend to restrain, limit, or in any manner impede, retard, or counteract, the operation and execution thereof, or to explain the same.

No. 44.

Copy of a Letter from his excellency William Moultrie, Governor of South-Carolina, to the Honourable John Jay, Secretary for Foreign Affairs.

CHARLESTOWN, SOUTH CAROLINA, 21ſt June, 1786.

SIR,

I HAVE been honoured with your favour of 3d May, requeſting to know, for the information of Congreſs, how far this ſtate has complied with the proclamation and recommendation of Congreſs of the 14th January, 1784.

The ſubjects of Great-Britain have encountered no other difficulties or impediments than have the citizens of America in the recovery of their debts; ſuch was the ſituation of the ſtate, that the legiſlature conceived it neceſſary to paſs laws tantamount to the ſhutting the courts; and, in this caſe, even Britiſh ſubjects, who had property among us, were ſaved from ruin equally as thoſe of America.

Agreeably to the 5th article of the treaty, which Congreſs earneſtly recommended, this ſtate, upon ſerious conſideration, very liberally complied with that recommendation, and reſtored moſt of the eſtates that were under confiſcation: the property carried off by the Britiſh, and belonging to the citizens of the ſtate, far exceeded in value the property which, by our laws, has been confiſcated and ſold; and no ſubſequent act of confiſcation has taken place to the above recommendation of Congreſs.

This ſtate paſſed an act, February 26th, 1782, to prevent the recovery of debts: and this being done prior to the treaty of peace, and ſince continued, from time to time, in force, could not poſſibly have in view to diſtreſs the Britiſh ſubjects.

The treaty of peace alſo required twelve months to be allowed baniſhed perſons, and others attached to Britiſh government, to ſettle their affairs. This ſtate has generouſly added three months more to the twelve: and in ſome inſtances upon application, it has been further extended by the executive.

I have the honour, &c.

Honourable John Jay, Eſq. WILLM. MOULTRIE.

No. 45.

Extract of a Letter from Richard Harriſon, Eſq. Attorney of the United States for the diſtrict of New-York, to the Secretary of State, dated New York, December 4th. 1790.

The Act relative to debts due to perſons within the enemy's lines, appears to have been paſſed even before the proviſional articſes were concluded between Great-Britain and the United States. It cannot, therefore, be conſidered as an infraction of a treaty not exiſting until ſeveral months after, which at moſt could only be contemplated as probable, and was perhaps conſidered as barely poſſible.

Whatever, therefore, might be the nature or tendency of this Act, its origin was not exceptionable, as interfering with any national compact. The Act, beſides a temporary reſtraint upon commencing any ſuits by perſons who had been with the enemy, (which was removed ſoon after the peace,) ſubjected ſuch perſons to the loſs of intereſt upon their debts, from 1ſt January, 1776, made then liable to any farther abatement, even of the principal, which referees might think proper, and obliged them to receive the balance in public ſecurities.

The operation of this Act became, ſoon after the peace, a ſubject of much complaint, grounded upon that article of the treaty which forbids any impe-

diment to the recovery of the full value in ſterling money of all bona fide debts, and that which declares that no perſon ſhall ſuffer any future loſs in his perſon, liberty, or property.

With regard to Britiſh creditors, who were ſuppoſed to be the proper objects of the 4th article of the treaty, the ſuperior courts of the ſtate ſoon reſtrained the operation of the Act; and I do no not know a ſingle inſtance where they have been held to be affected by it.

No. 46.

The following are the material facts in relation to the caſe of Rutgers againſt Waddington, as far as they are now recollected, and a confidence is entertained that the ſtatement is ſubſtantially accurate.

THE ſuit was brought in the mayor's court of the city of New-York, for the occupation and injury of a brew-houſe in that city during the poſſeſſion of it by the Britiſh army, founded upon an Act of the ſtate of New-York, entitled, "An Act for granting a more effectual relief in caſes of certain treſpaſſes," which gives remedy, by action of treſpaſs, to all citizens who had reſided without the enemy's lines, againſt thoſe who had reſided within thoſe lines, wherever the property of the former had been occupied, injured, deſtroyed, purchaſed, or received by the latter, declaring, "that no defendant ſhould be admitted to plead in juſtification any military order or command whatever of the enemy for ſuch occupancy, injury, deſtruction, purchaſe, or receipt, nor to give the ſame in evidence on the general iſſue." This Act was paſſed ſubſequent to the proviſional, but prior to the definitive treaty. The fact was, that the defendant had occupied the brew-houſe in queſtion, under regular authority of the Britiſh army, proceeding, for a part of the time, immediately from the commander in chief, and for another part of it from the quarter-maſter general, and had even paid rent for the uſe of it.

Several pleas were pleaded for the different portions of time correſponding with the ſtate of the fact, one alledging the occupation, under the immediate order of the commander in chief, the other under that of the quarter-maſter general.

The particulars of the pleas appear to be accurately ſtated in Mr. Hammond's memorial.

The court allowed the plea which alledged the occupation, under the immediate authority of the commander in chief, and overruled the other, giving judgment for the plaintiff, for the portion of time covered by the latter. The ground of diſtinction was, that it could not be in the courſe of ſervice, for a quarter-maſter general to let out brew-houſes.

The force of the treaty to overrule the inhibition againſt pleading a military order was admitted by the deciſion, which allowed in fact the validity of ſuch an order, when proceeding from the commander in chief.

But a writ of error was brought by the defendant to reverſe the judgment in the ſupreme court, and pending that writ, a *voluntary compromiſe* between the parties took place, which ſuperſeded its proſecution to a final deciſion. A ſum of money was paid by the defendant in conſequence of this compromiſe.

It is, however, but candour to acknowledge, that from the uncertainty of the event, the deſire of the defendant to compromiſe, as a prudential courſe, was not diſcouraged by his counſel.

It is not recollected that any deciſion ever took place in the ſupreme court of the ſtate, giving effect to the inhibition above mentioned. It is believed that none ever did.—The exceptionable clauſe was repealed, by an Act of the

4th of April, 1787, which put an end to the question. I acted as attorney and counsel for the defendant.

ALEXANDER HAMILTON.

Philadelphia, April 19th, 1792.

No. 47.

Philadelphia, April 11th, 1792.

SIR,

HAVING been accidentally present at the examination of the witnesses against John Smith Hetfield taken before the proper magistrate, in New-Jersey, on a hab. corpus brought by Hetfield, to obtain an order for bail or discharge, I have taken the liberty to give the substance of the testimony. Hetfield was an inhabitant of Elizabeth-town, in New-Jersey, and went over to the British in 1778. A certain Mr. Ball, also an inhabitant of New-Jersey, used to supply the British on Staten-Island with provisions by stealth, it being contrary to our law. A spy having been taken in our lines who had been a refugee, was tried by a court-martial and executed. The next time Ball went over to the island with provisions, the refugees, of whom Smith Hetfield was one, seized him, and threatened to execute him in retaliation, The British commanding officer expresly forbade it, on which they determined to take him out of the British lines, and within ours, and there execute him. The commanding officer sent for the witness, and after enquiring into the character of Ball, told the witness that he had forbade it, but still feared that they would put their threats into execution, by removing Ball without his jurisdiction. But if they should, the officer desired witness to inform our people that the British had nothing to do with it, and that the persons guilty of the crime, must answer alone for it. On witness' return, he saw a boat with a number of men, among whom Hetfield was one, passing over to Bergen shore, he saw them land, take a man who was tied, out of the boat, and lead him to a tree, place him on a table, and one of the number tie a rope that was round his neck to a limb of the tree, and take the table from under him, whereby he was left hanging. Witness waited at the tavern till their return, when he heard Hetfield say, that he had hanged Ball, and wished he had many other rebels, he would repeat it with pleasure.

Some time afterwards Hetfield shewed witness the tree on which he said he had hanged Ball, and where he was buried.—On this evidence and other corroborating testimony, the magistrate took the matter into consideration, but on examining the hab. corpus, and finding it had issued at common law, and not under the statute, and knowing that he acted merely in a summary way, determined that it would be highly imprudent for him to decide so great a question, and one in which the treaty of peace was involved, on so slight a consideration, when the court was near at hand, he concluded to remand the prisoner to New-Ark gaol, where he had nearly lost his life by his debaucheries.

At the meeting of the court in Bergen county (in which the crime was committed) the evidence did not attend, whereupon the court adjourned the business till the next court, and considering the peculiar situation of the prisoner, thought proper to bail him, but Hetfield immediately ran away, and never again returned.

The bail have applied to the legislature for relief against their recognizance, and I believe have been discharged.

These are the facts, in short, as far as my memory will serve me, my colleagues not knowing of this matter, but from general report, could say nothing but what arose therefrom.—I cannot ascertain the year this happened with certainty, but believe it was in 1788. If it should be necessary,

the affidavits may be produced, as they are with the judge, or among the files of the court.

I have the honour to be with great respect,
Sir, your most obedient humble servant,

ELIAS BOUDINOT.

The honorable Secretary of State.

Since writing the above, Mr Boudinot is well informed that Hetfield's counsel has advised his bail to plead to the action against them on the recognizance, as they consider them as not legally bound to pay the forfeiture, and not to apply to the legislature for redress. This has been done some time past, since which the attorney-general has not moved the question.

No. 48.

I DO hereby certify, that there never has been either originally instituted in the supreme court of the United States, or removed there from any inferior court of the United States, any suit or claim, between a subject of the King of Great Britain on the one part, and a citizen or citizens of the United States on the other. As witness my hand,

SAMUEL BAYARD, Clk. of the supreme court of the United States.

Philadelphia, April 25, 1792.

No. 49.

The subscribing senators and representatives of the state of Maryland, in the Congress of the United States, in reply to the enquiries addressed to them by the Secretary of State, not having in this city the necessary documents, to which they might particularly refer, can only inform him generally,

That soon after the pacification between these states and Great Britain, complaints of an obstruction to the recovery of British debts in some of the states by his Britannic Majesty's Minister Mr. Pitt, were transmitted by Congress to the several states, accompanied by a requisition of that honorable body, that laws should be passed to secure the effectual observance of the treaty. The legislature of Maryland, in consequence thereof, enacted a law declaring the treaty the supreme law of the land, which was in reality, but a compliance in form with what had, in effect, taken place immediately after the exchange of the ratifications of the definitive treaty. British suits having been maintained from that period, in the superior and inferior tribunals throughout the state without any obstruction whatever, to our knowledge, except in one instance in the county of Charles, wherein a lawyer thought it advisable to withdraw some actions of this description, from a dread of popular interference. But on the speedy interposition of authority those suits were all restored, and the persons concerned brought to a proper sense of their misconduct: from that event to the present, British claimants, as well under contracts previous to the late war, as since, have in every instance enjoyed every facility in the tribunals of justice of Maryland, equally with her own citizens. They have recovered in due course of law and remitted to Great Britain, large debts of either description.

It is, however, to be understood, that the cases of persons who, during the late war paid debts, contracted previously thereto, into the treasury of Maryland, by virtue of, and in conformity with, two Acts of that state of 1780, chapter 5th and 45th, have presented to the courts of that country, an important question involving principles of much nicety, and extensive national importance, which if not analogous to, and expressly protected by, the laws of nations, and precedents drawn from other countries, were yet of novel impression

preſſion in America, and required much deliberation. A variety of ſuch ſuits were brought; the uſual ſteps were regularly and without interruption purſued; the gentlemen at the bar of the ſupreme common law court were nearly equally divided, on the different ſides of theſe claims; and it was finally agreed between them, to ſelect ſome one caſe for trial, on the fate of which the reſt ſhould depend. The caſe of Mildred againſt Dorſey, which is particularly mentioned by the ſecretary, was the individual caſe ſo ſelected, and, after a full hearing, the court determined againſt the American citizens, in favour of the Britiſh claimants; on which an appeal was entered, as is uſual in all caſes of conſequence, and that cauſe, together with all others ſimilarly circumſtanced, wherein new ſecurity could be procured by the defendant, removed to the high court of appeals of Maryland, where it now remains for final deciſion, and where it will be tried as ſoon as the accuſtomed legal forms are complied with. Throughout the whole progreſs of this ſuit, there has been no delay on the part of the courts, or the defendants; all the forms have been conducted upon the principle of mutual agreement between the counſel on either party.

With reſpect to the caſe of Harriſon's repreſentatives:—On the diſcloſure of facts made by the truſtees of the will of Harriſon on oath, in chancery, in conſequence of the claim made by the attorney-general, in behalf of the ſtate, the chancery court determined it in favour of the ſtate, it is believed on this principle, that however Great Britain might conſider the antinati, as ſubjects born, and that they could not diveſt themſelves of inheritable qualities, yet that the principle did not reciprocate on America, as thoſe antinati of Great Britain could never be conſidered as ſubjects born of Maryland.

The legiſlature, however, took the matter up and paſſed an Act relinquiſhing any right of the ſtate, and directing the intention of the teſtator to take effect, notwithſtanding ſuch right. It is conceived, that this was a liberal and voluntary interpoſition, on the part of the legiſlature, in behalf of the repreſentatives of Harriſon, who are at liberty to purſue their claim.

Jno. Henry, Ch. Carroll, of Carrollton, John F. Mercer, Samuel Sterret, Joſa. Seney, W. V. Murray, Philip Key, Upton Sheredine.

No. 50.

Extract of a letter from William Tilghman, Eſq. to

Cheſter-Town, April 26th, 1792.

DEAR SIR,

YOUR favor of the 15th inſtant, found me at Eaſton. There is no doubt but Britiſh ſubjects have uniformly been permitted to recover from the citizens of Maryland, their debts due on cauſes of an action exiſting before the late war.—The only diſpute has been about the intereſt which accrued during the war. Our courts have decided the point of intereſt againſt the Britiſh creditor.—But this deciſion has been founded on general principles, and not on any act of aſſembly contravening the treaty of peace.

We have recognized that treaty as the law of the land, by a particular act of aſſembly, and our judges have given one very ſtriking proof of their impartiality in the conſtruction of it. I allude to the deciſion of the general court in favour of Britiſh creditors, againſt a number of Maryland citizens, who, during the war, depoſited paper money in the treaſury, under the ſanction of a law at that time exiſting, in ſatisfaction of their debts. Whether the treaty ſhould have ſuch retroſpect as to avoid theſe payments was certainly a doubtful point.

It

It would be endless to enumerate the particular instances of British debts recovered. One or two I will mention, of a stronger nature than common, which have fallen within my own knowledge. Cn. Christie, whose estate (except his debts) was confiscated, for adhering to the British army, recovered upwards of 1200l. sterling, from Col. Richard Graves, of this county, on a judgment obtained before the revolution—Mr. George Rome, of London, received from *the state of Maryland*, upwards of 1700l. currency, on a claim which he had against Colonel Chalmers of the British army, whose estate had been seized by the state, on an attainder of treason. In short, it is notorious, that we have complied with the true spirit of the treaty, and that our government has thrown no legal impediment in the way of the recovery of debts due to British subjects from our citizens, prior to the revolution.

I am, dear Sir, with respect and esteem, yours,

WM. TILGHMAN.

No. 51.

DEAR SIR, *Annapolis, April* 23d, 1792.

YOUR favor of the 15th instant came safe to hand, and, on examining the records of our court, I find a number of suits commenced by British merchants, against citizens of this state, for debts contracted before the revolution, in which judgments have been universally rendered, and carried into execution; the plaintiffs in every case released the interest during the war. James Gordon and others, have brought at least a hundred suits since the year eighty-five, for old debts, and recovered judgments: John Buchannan and Co. have also brought a number of suits, in which they have also obtained judgments; one in particular, against Charles Ridgely, son of William of Baltimore county, for a very considerable debt, in which payment into the treasury was pled, and proven to have been made agreeably to our act of assembly; in this, and several other similar cases, the court on a case stated, gave judgment for the plaintiffs for the full sum due, with interest, except the interest during the war, computed from the 4th of July, 1776, to the 3d September 1783. Spears, French, and Co. James Russell's administrator, and several other British merchants, have brought suits for debts of the above description, and recovered judgments with as much facility, as one citizen against another could do. I could with ease give you the parties' names, in all the judgments rendered in our court of the description you mention, but from your letter, I imagine a few will answer. I have, therefore, only selected such as you will observe at the foot of this letter.

I am, dear Sir, with great esteem, your very humble servant,

JOHN GWINN.

James Gordon, formerly the house of John Glassford & Co.	*vs. Judith Chase.*
Same,	*vs. George Dent.*
John Buchanan & Co.	*vs. Charles Ridgely, of William.*
Same,	*vs. Samuel Lane.*
Cunningham, Findlay, & Co.	*vs. John Belt.*
Same,	*vs. Nicholas L. Sewel.*
George and Andrew Buchanan,	*vs. Randolph Brandt.*
Same,	*vs. Richard Brandt.*
James Clarke, adm. of James Russell,	*vs. Joseph Davis.*
Same,	*vs. Joseph Wilkinson.*
Thomas Stewardson, adm. of Daniel Mildred,	*vs. Edward Dorsey, son of Jno.*
Same,	*vs. John F. Bowie*
Spears, French, and Co.	*vs. Robert Warfield,*
Same,	*vs. John Plummer.*

James

James Brown & Co. *vs. Henry Stonestreet.*
Same *vs. John Thompson.*
Honbl. William V. Murray, Esq.

No. 52.

PHILADELPHIA, *May* 1st, 1792.

SIR,

IN April 1791, in the district court of Fredericksburg, the case Mitchel against Wallis, in which the law of the state was plead, in bar of the debt, the following were the circumstances:

Mitchell, a native of Great Britain, residing and trading in Virginia, having debts due to him, to a great amount, conveyed them, with other property, just before the war, to the use of his creditors, in Great Britain, and of one creditor in Virginia. In this situation the debts remained through the war, and the action was brought in favour of the British creditors, in 1778, or 89, and judgment rendered for the plaintiffs. Several other judgments were entered in favour of the same parties, in that and the subsequent term. This must be deemed such a debt as was supposed to be prohibited and provided for by the treaty: It was so argued on the part of the defendant, whose counsel I was, and yet judgment was given against him.

I have not known of any other instances, wherein the right to recover was regularly contested. It was, however, always the opinion of the ablest counsel at the bar, that those debts were recoverable, that no law prohibited it, and if it were otherwise, that the treaty would control it. Since the establishment of the present government, upon the presumption there would be no farther doubt on the subject, I have likewise heard several of the state judges say, they had entertained the same opinion.

'Tis true the British merchants declined generally bringing suits prior to that event, nor, indeed, have any great number been since brought in the federal courts. For the motive to this conduct, 'tis not necessary to hazard a conjecture, as your inquiries respect only the law and the decisions under it. Certain it is, they have been progressing, and with great success since the peace, in the amicable adjustment of their accounts with their debtors, which has perhaps been more effectual (admitting that there was no dispute about the recovery otherwise than other debts) than any other course would have been.

The county courts, until very lately, have had exclusive jurisdiction of sums under ten pounds only. Upon all sums above that amount their decisions have been subject to the revision and control of the superior courts. A late modification gives them original jurisdiction of sums under 30l.—but, as well as I remember, subject as before to the correction of the superior courts by appeal or supersedeas. I believe there are but few debts under that sum of the kind referred.

In the federal court no cause had been put at issue, until the last November term, at which time, that of Jones and Walker was argued, but continued over to the present upon account of the absence of Judge Blair, who left the bench in consequence of the death of his son.

I have the honor to be, &c.

JAS. MONROE.

No. 53.

The SECRETARY *of* STATE.

SIR, Philadelphia, May 6th, 1792.

A written request from you was some days since presented to me as one of the delegation in Congress for the state of Virginia, to communicate to you such

ſuch information reſpecting the preſent ſtate of debts due to Britiſh ſubjects in that ſtate, as had come to my knowledge; in compliance with which requeſt, I now furniſh you with the following ſtate of facts.

Previouſly to my election to Congreſs, I had been engaged for ſeveral years in the practice of law in the ſtate of Virginia. In the proſecution of that buſineſs, I was often applied to upon the ſubject of debts due to Britiſh ſubjects, and had an opportunity of obſerving the proceedings of ſeveral of the courts, in ſuits brought for the recovery of ſuch debts.

The rules of ſeveral of the county courts, were not entirely uniform. In ſome of the counties, ſuits of that deſcription were generally continued upon the dockets without trial; but they were ſuch as were not much preſſed upon by the plaintiff's counſel. In other counties they were brought to trial, and in all the caſes within my recollection, in which the debts were eſtabliſhed by competent teſtimony, judgments were rendered for the plaintiffs; except in one inſtance, in the court for the county of Cheſterfield, where, upon an *iſſue* of *fact* upon the plea of a *Britiſh debt*, the jury found the plaintiffs to be Britiſh ſubjects, which finding cauſed ſome delay, but judgment was afterwards rendered in the ſame court for the ſame debt, and the money ſince paid under the judgment.

The plaintiffs in this ſuit were formerly Britiſh merchants, under the firm of Robert Donald, jun. and Co. I was counſel for the company in that ſuit, and have been concerned as counſel for them, or for ſome of the members under other firms, in at leaſt one hundred caſes, in which the plaintiffs have received judgments in their favour, and I believe have been as ſucceſsful in collecting monies under judgments as is uſually the caſe with citizens of the ſtate of Virginia. I recollect a caſe in the court of the county of Cumberland, in which Robert Donald was plaintiff againſt Rolfe Eldridge defendant, upon a bond, judgment was given for the plaintiff. The defendant obtained an injunction from the chancery ſide of the ſame court to ſtay proceedings, &c. upon the ſuggeſtion, that the debt was originally due to Britiſh ſubjects, who were merchants and partners, and had been changed by obtaining a bond to Donald, in his individual capacity, who was an American citizen. Upon application the ſuit was brought before the chancellor by *certiorari*, and the injunction diſſolved; during the ſame time, the money for which judgment was rendered, has been ſince paid I believe to my agent and paſſed in account with me, to the credit of the company of which Donald was a member.

I am now concerned in ſeveral ſuits in the high court of chancery, for the purpoſe of foreclofing mortgages executed to Britiſh ſubjects; they have not yet come to a deciſion. I entertain no doubt, however, but that the decrees will be for foreclofing the mortgages and the payment of the money ſecured by them. It may be obſerved upon the whole, that there have been temporary delays in ſome of the courts, attending the recovery of debts, of the deſcription before mentioned, but it is certain, that many judgments have been rendered for them, and monies paid, by means of compulſory proceſs in purſuance of thoſe judgments. I am now in great haſte. If any further information within my knowledge be neceſſary, I ſhall take pleaſure in communicating it upon requeſt. I am, Sir, with very great reſpect,

Your obedient ſervant,

WM. B. GILES.

No. 54.

SIR, SENATE CHAMBER, 13*th April*, 1792.

I HAVE heard of but few ſuits brought by Britiſh creditors ſince the peace, for

for the recovery of debts in the ſtate of North-Carolina, and never heard that any one had failed of a recovery, becauſe he was a Britiſh ſubject. In one inſtance, where a ſuit was inſtituted, and in my direction, for the recovery of a debt, contracted in 1768, at which time the plaintiff returned to Great-Britain, and has been reſident in London from that time, a recovery was had, in the ſuperior court at Edenton, in April laſt, for the full value, nor was it any part of the defence, that the plaintiff was a Britiſh ſubject, though the fact was notorious. The parties were Alexander Elmſly againſt Steven Lee's executors.

The caſe of Bayard againſt Singleton, as I recollect it, was this: Mr. Cornell, the father of Mr. Bayard, was a merchant in the town of Newbern, in North-Carolina; ſome time previous to the declaration of independence, he went to Europe, leaving his family in Newbern, and after that returned from Europe to New-York, then a Britiſh garriſon. From New-York, he came to Newbern in a flag of truce, but the aſſembly, then ſitting, refuſed to permit him to come on ſhore, unleſs he would take an oath of allegiance to the ſtate, which he refuſed. While on board the veſſel, in the harbour of Newbern, he conveyed the whole of his eſtate in North-Carolina, to his children reſpectively, by ſeveral deeds of gift, which were duly proved and regiſtered. Mr. Cornell then, with the permiſſion of the executive, removed his wife and children to New-York. All Mr. Cornell's eſtate was afterwards declared to be confiſcated, by act of aſſembly, and all the property which Mr. Cornell had conveyed to his children, was ſeized and ſold by commiſſioners appointed for the ſale of confiſcated eſtates.

Mr. Singleton became a purchaſer of part of it. Under this ſale, one of Mr. Cornell's daughters, who claimed that part under one of the abovementioned conveyances, inſtituted an ejectment for the recovery of it, and, on trial, a verdict was given for the defendant.

I ſhould have done myſelf the pleaſure ſooner to have anſwered your queries, had I not parted with your notes immediately, and did not get them back till this morning.

I am, &c.

SAML. JOHNSTON.

No. 55.

SIR,

In anſwer to your queſtions relating to the recovery of certain debts in South-Carolina, I have the honor of informing you, that it is thought that ſeveral inſtances of judgment for Britiſh debts have occurred, but for want of time to procure direct official information from South-Carolina, the only inſtance which can now be aſcertained here, is of the houſe of Powel, Hopton, and Co. having obtained judgment againſt a citizen of South-Carolina, for a debt contracted previous to the war.

Mr Brailsford, one of the partners in this company, reſided during the war in Great-Britain, but is now a reſident in South-Carolina; the other partners, Meſſrs. Powel and Hopton both withdrew themſelves, during the war to the Britiſh dominions, and are now ſubjects of his Britannic majeſty. An inſtance of a ſuit in chancery having been commenced and now pending between the Britiſh houſe of Shubrick, and a citizen of South-Carolina, for a diſcovery of aſſets, can likewiſe be aſcertained here; and will tend to prove, that Britiſh ſubjects have free acceſs to the courts of South-Carolina. Neither can any act of the legiſlature, making a diſcrimination between their own citizens, and the ſubjects of Great-Britain, in this particular be adduced, except on the queſtion of intereſt during the war, which by their act is reſerved for judicial determination. They ſeem, therefore, to have conſidered the

4th article of the treaty of peace as importing nothing more, than that the subjects of his Britannic majesty should receive as ample and as speedy justice in the recovery of their debts as their own citizens :—in conformity to which principle, their regulations concerning the recovery of debts have been established.

The new federal constitution is now, however, adopted by that state, and the federal courts are in the exercise of their powers.

Paper money is no longer a tender in payment of debts, and the 2d section of the 9th article of their state constitution formed in June 1790, declares, that no law impairing the obligation of contracts, shall ever be passed by the legislature of the state.

I have the honor to be,
With sentiments of the utmost
consideration and respect,
Sir,
Your most obedient, and
most humble servant,
THOMAS PINCKNEY.

PHILADELPHIA, *9th May*, 1792.
The Secretary of State.

No. 55. B.

Extract of a letter from Edward Rutledge, Esq.—dated Charlestown, 26th May, 1792.

YOU know I am not fond of the Attorney's business, and do but little of it; however, in my own practice I can furnish several instances of actions having been brought by British subjects, for debts due to them before the war, by American citizens, and carried to judgment.

The Rev. Mr. Cowper, who in the first commencement of the war refused to take the oath, and went off, brought an action against Melchier Garner, executor of William Garner. I brought it, prosecuted it to judgment, and issued execution—the estate insolvent because his moveable property was carried off or destroyed by the British during the war.

Powel, Hopton and Co. vs. Gaillard—I carried this to judgement. Idem vs. Godfrey, I carried to judgment and execution, and the party satisfied —i. e. received satisfactory payments.

James Simpson vs. executors of Major Huger, Bay Attorney, judgment and execution—Ross and Mills, vs. John Deas—debt on bond in 1773, for a real British debt with British merchants who were never in this country. I carried it to judgment. After the death of Deas the executors applied to Mr. Penman, who was the agent of Ross and Mills for permission to sell —he gave permission—they sold—he bought a plantation, which Mr. Lowndes took off his hands and gave the bonds of John Middleton in payment, the balance of the debt was discharged to the satisfaction of Mr. Pennman, and I as attorney on record entered up satisfaction—this case goes the whole length of the business.

And I aver, that there is not a single instance to be produced, wherein a British creditor of any description has met with more impediment in the recovery of his debt, than our own citizens. The question of interest has not yet been tried, but we were ever ready to try it.

No. 56.

SIR,

IN answer to your note of the 16th instant, we must say, that we know of no instance of a recovery in the state of Georgia by a British creditor against his debtor;

debtor; we say, with equal truth, that we know no instance of any judgment against such recovery since the ratification of the treaty of peace, as the creditors, instead of resorting to the law, have settled or are in a course of settling in an amicable way with their debtors: and we are still further able to assure you, that the federal court is as open and unobstructed to British creditors in Georgia, as in any other of the United States.

With great respect, we are, &c.

W. FEW,
J. GUNN,
ABR. BALDWIN,
FRANS. WILLIS.

April 25th, 1792.
THO: JEFFERSON, Esq.

No. 57.

Extract of a letter from the honourable John Adams, Esq. Minister plenipotentiary of the United States of America, at the court of Great-Britain, to the honourable John Jay, Esq. Secretary for Foreign Affairs—dated Grosvenor Square, June 16th, 1786.

LORD Carmarthen told me yesterday "That he had letters from Mr. Anstey mentioning his civil reception:" A long conversation ensued upon the subject of the posts, debts, &c. little of which being new, is worth repeating. The policy of giving up the interest during the war, and of agreeing to a plan of payment by instalments, was again insisted on, from various considerations, particularly from the evident injustice of demanding interest for that period. It was urged, that the claim of interest, in most cases, was grounded upon custom, and the mutual understanding of the parties: but that it never had been the custom, nor had it ever been understood or foreseen, that an act of parliament should be passed, casting the American debtor out of the protection of the crown, cutting off all correspondence, and rendering all intercourse criminal; for that was the result and the legal construction during the whole of the war.

Here his lordship fully agreed with me, and even outvent me, saying, that "It was very true, that by construction of the law of this land, it was high treason in a creditor in Great-Britain to receive a remittance from his debtor in America during the war." His lordship added some slight expressions concerning the interest, and wished that the courts were opened for recovering the principal: We might leave the interest for an after consideration.

No. 58.

Extract of a letter from the Commissioners of the United States, for negociating a peace with Great-Britain, to D. Hartley, Esq.—dated Passy, July 17th, 1783.

WE are also instructed to represent to you, that many of the British debtors in America, have, in the course of the war, sustained such considerable and heavy losses by the operation of the British arms in that country, that a great number of them have been rendered incapable of immediately satisfying those debts: We refer it to the justice and equity of Great-Britain, so far to amend the article on that subject, as that no execution shall be issued on a judgment to be obtained in any such case, but after the expiration of three years from the date of the definitive treaty of peace. Congress also think it reasonable that such part of the interest which may have accrued on such debts during the war, shall not be payable, because all intercourse be-

 tween

tween the two countries, had during that period become impracticable as well as improper; it does not appear just that individuals in America should pay for delays in payment which were occasioned by the civil and military measures of Great-Britain.

In our opinion the interest of the creditors as well as the debtors, requires that some tenderness be shewn to the latter, and that they should be allowed a little time to acquire the means of discharging debts, which in many instances, exceed the whole amount of their property.

No. 59.

Extract of a letter from William Rowle, Esq. Attorney of the United States, for the district of Pennsylvania, to the Secretary of State—dated April 9th, 1792.

I ENCLOSE a copy of the docket entries in the case of Hoare v. Allen, which shew that the plaintiff acquiesced in the verdict given, and that the whole mortgaged property did not sell for half his debt. The plaintiff in this case was and is also a subject of and resident in Great-Britain.

The court in this, as they have done in every similar case, directed the jury to deduct 7 1-2 years' interest. The jury, however, deducted 8 1-2 years' interest. If the plaintiff had moved the court on the return of the *posea*, a new trial would have been granted, or, as the sum was certain, it is probable the court would have recommended, and the parties have made the necessary alteration in the judgment.

I have the honour to be,
Sir,
Your most obedient
Humble Servant,
W. RAWLE.

SAMUEL HOARE, *v.*
ANDREW ALLEN, jun. *and the True tenants of Pikeland.* } *In the Supreme Court of Pennsylvania.*

Removed by certiorari from the Common-Pleas of Chester county—returnable to January term, 1788.

At nisi prius at West-Chester, 8th May, 1789, tried verdict for the plaintiff, and jury certified to the court, that the debt due on this action by the defendants to the plaintiff, amounted to thirty-seven thousand one hundred and nine pounds and one penny, and found six pence damages and six pence costs, besides the costs expended.

2d July, 1789, Judg. nisi, from the records pr.
GEO. DAVIS, *for*
EDW. BURD, *Prothon.*

I certify that a levari facias issued upon the above judgment returnable to September term, one thousand seven hundred and eighty-nine, and by virtue thereof, the sheriff seized and took in execution ten thousand one hundred and sixteen acres of land, being the premises mortgaged, and afterwards sold the same at public vendue for the sum of fifteen thousand pounds, lawful money of Pennsylvania, to Samuel Hoare, he being the highest and best bidder.

Witness my hand, the 7th April, 1792.
GEO. DAVIS, *for*
EDW. BURD, *Prothon.*

No. 60.

No. 60.

Extract of a letter of March 15th, 1788, from the British Consul at Philadelphia, to the Governor of Pennsylvania.

"THE settlement of interest on debts due to British merchants, here antecedent to the late troubles, has already been a subject of some discussion in the courts, and will I presume be deemed by your excellency and the council, a matter of so much importance, as to require some particular legislative interposition, to define its nature and extent."

Observations on the preceding extract, by William Lewis, Esq. Attorney of the District of Pennsylvania, for the United States.

THE legislature of the year 1788, did not think themselves authorised by any principle of sound policy or good government, to pass a law to define the nature and extent of contracts entered into more than a dozen years before; and it is reasonable to presume, that such a law would have been complained of as an infraction of the treaty. Every person has been left to pursue his remedy at law, without any particular Act being made for the allowance or abatement of interest; and as the question has altogether depended on the laws of England, the consul's acknowledgment, that "The channels of justice flow with great purity and impartiality in Pennsylvania, and that the laws are faithfully and diligently administered," seems to be a full refutation of his own objection. Since, however, the objection is so much insisted on, I will take the liberty of mentioning some facts, a knowledge whereof may be necessary to form a judgment respecting it.

I believe it is truly stated by the consul, that "The terms of contracts between British and American merchants, are for the most part of this sort. Goods are sent hither to be paid for in one year; after which interest becomes due at the yearly rate of 5 per cent." This having been a long established usage, has so far received the sanction of our courts, as that interest has been allowed in such cases from the end of the year; but as there is no positive law for the allowing of interest on an account, as the claim of interest by British merchants from their American debtors, was founded on this usage alone; and as no instance has before happened, of the intercourse between the people of Great-Britain and of America being interrupted by war, our courts held the case to be a new one, to which the usage did not extend, and as there was neither law or usage for allowing interest during the war, that is, from the battle of Lexington, in April, 1775, until the provisional articles between the United States and his Britannic majesty, in November, 1782, it has been generally disallowed during that period.

If the debt had been contracted more than a year before the battle of Lexington, interest has been allowed, I believe in all cases, from the time of the debt becoming due, until the battle of Lexington, and from the provisional articles, until the time of payment. The rule has been reciprocal. It prevailed in a trial in our Supreme court, wherein a citizen of a neighbouring state was plaintiff and a British subject defendant, although the debt had been contracted long before the war. It has been observed in other cases, and I very much doubt if a different one has prevailed at Westminster-Hall, in actions brought on running accounts.

The judges have uniformly, and without hesitation, declared in favour of the treaty, on the ground of its being the supreme law of the land. On this ground they have not only discharged attainted traitors from arrest, but have frequently declared, that they were entitled by the treaty to protection.

I am, with the highest esteem,
Your most obedient, and very humble servant,
WILLIAM LEWIS.

The Hon. THOMAS JEFFERSON, Esq.
Secretary of State of the United States.

Mr.

PHILADELPHIA. June 2d, 1792.

Mr. Hammond, Minister Plenipotentiary of Great-Britain, to Mr. Jefferson, Secretary of State of the United States.

SIR,

I HAVE the honour of acknowledging the receipt of your letter of the 29th ult. which I shall transmit, without delay, to my court, for the consideration of his Majesty's ministers.

The matter contained in your letter, being so various and extensive, I fear that much time must elapse, before I can be enabled to communicate to you my observations upon it. You may, however, be assured, that I will use every exertion to avoid unnecessary procrastination.

To this observation you will permit me, Sir, to add that some of the principles, which you have advanced, do not appear to me, at the present moment, to be entirely relevant to the subjects actually under discussion between our respective countries: And the difference between us in our statement of positive facts is so essential as to render it an act of duty to my own character, to vindicate the purity of the sources, from which I have derived my information, by recurring to them for corroborating testimony. If there exist any points upon which I have been misinformed, I will most readily acknowledge my error; but, I trust, upon the whole, that the additional evidence with which I expect to be furnished, will fully substantiate the allegations I have made, and effectually protect me from the imputation of negligence, or the suspicion of intentional deception.

Although it is by no means in my power to enter into an immediate examination of the general contents of your letter, my design of sending it to England induces me to request an explanation of one part of it, which refers to a transaction that you state to have taken place in that country. Towards the conclusion of your letter, you cite two cases, which, in your opinion, controvert my position that "in the courts of law, in Great-Britain, the citizens of the United States, have experienced, without exception, the same protection and impartial distribution of justice as the subjects of the crown."—With respect to the former of those cases, (that of the sum of money, the property of the state of Maryland, and detained in England,) I have some general notion of the particulars of it.—But in regard to the latter case, I have no knowledge of it whatsoever. I therefore intreat you, Sir, to have the goodness to inform me whether the judge of the Court of King's Bench, to whom you allude, delivered the opinion of the court, in the general terms which you have employed, viz, "*that a Citizen of the United States*, who has delivered 43,000*l.* sterling worth of East-India goods to a British subject at Ostend, receiving only 18,000*l.* in part payment, is not entitled to maintain an action for the balance, in a court of Great-Britain, though his debtor be found there, is in custody of the court, and acknowledges the facts."

I must own, Sir, that even from your statement, I am inclined to infer, that the circumstance of Greene's being a citizen of the United States, had no connection with the decision of the question; and that the same judgment would have been given in an action of a similar nature, depending between two subjects of the crown of Great Britain.

I have the honour to be, Sir, &c.

GEO. HAMMOND.

To the Minister Plenipotentiary of Great Britain.

SIR, PHILADELPHIA, *June 19th*, 1793.

I HAD the honour to address you a letter, on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations. The subject was extensive and important, and, therefore, rendered

dered a certain degree of delay, in the reply, to be expected. But it has now become such, as naturally to generate disquietude. The interest we have in the western posts, the blood and treasure which their detention costs us daily, cannot but produce a correspondent anxiety on our part. Permit me, therefore, to ask, when I may expect the honour of a reply to my letter? and to assure you of the sentiments of respect, with which I have the honour to be, Sir, your, &c.

TH: JEFFERSON.

PHILADELPHIA, *20th June*, 1793.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

SIR,

I HAVE duly received your letter of yesterday.

In a written communication, which I had the honour of addressing to you on the 2d of June, 1792, and also in a conversation which I had with you on the following day, I assured you, that I should lose no time in conveying to the king's ministers in England, your representation, dated the 29th of May; and it was, in fact, forwarded to them in the course of some few days afterwards.

On the receipt of that paper, I was informed, by his majesty's principal secretary of state, that it would be taken into immediate consideration, and that after it had been thoroughly examined, I should receive some farther instructions relative to it. The transmission of those instructions, which I daily expect, has, I presume, hitherto been delayed, in consequence of the very interesting events, which, since the receipt of it, have occurred in Europe, and which have been of a nature so pressing and important, as probably to have attracted the whole attention of his majesty's ministers, and thus to have diverted it from objects that are more remote, and that may, perhaps, have been regarded as somewhat less urgent. Whenever I shall learn his majesty's pleasure on the subject of your representation, you may depend, Sir, on speedily receiving my reply; to the preparation of which, but little time will be required on my part, as, in consequence of my exertions for the purpose, I have already collected, in this country, the evidence necessary to substantiate most of the principal facts advanced in my statement of the 5th of March, to which that representation was intended as an answer.

There is one passage in your letter of yesterday, Sir, of which it becomes me to take some notice—The passage I allude to, is that wherein you mention "the blood and treasure which the detention of the western posts costs the United States daily." I cannot easily conjecture the motives in which this declaration has originated. After the evidence that this government has repeatedly received, of the strict neutrality observed by the king's governors of Canada, during the present contest between the United States and the Indians, and of the disposition of those officers to facilitate, as far as may be in their power, any negociations for peace, I will not, for a moment, imagine, that the expression I have cited, was intended to convey the insinuation of their having pursued a different conduct, or that it had any reference to those assertions, which have been lately disseminated, with more than usual industry, through the public prints in this country, that the western posts have been used, by the government of Canada, as the medium of supplying military stores to the Indians now engaged in war with the United States.

I can

I can assure you, Sir, that if the delay, on the part of my country, in the execution of certain articles of the treaty of peace, is such as to create disquietude in this government, I also experience similar impressions, with respect to those articles which have, hitherto, not been carried into effect by the United States; as I am perpetually receiving complaints from the British creditors, and their agents in this country, of their inability to procure legal redress in *any* of the courts of law in one or two of the southern states; in which states, the greatest part of the debt remaining due to the subjects of Great Britain, still continues to exist in the same condition as that in which it was at the conclusion of the war.

I have the honour to be, with great respect,

Sir,

Your most obedient servant,

GEO: HAMMOND.

GERMANTOWN, *November* 13, 1793.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

SIR,

IN a letter which I had the honour of addressing you on the 19th of June last, I asked for information, when we might expect an answer to that which I had written you on the 29th of May was twelvemonth, on the articles still unexecuted of the treaty of peace between the two nations.

In your answer of the next day, you were pleased to inform me, that you had forwarded the letter of the 29th of May, 1792, in the course of a few days after its date, and that you daily expected instructions on the subject; that you presumed these had been delayed in consequence of the very interesting events which had occurred in Europe, and which had been of a nature so pressing and important, as probably to have attracted the whole attention of your ministers, and thus to have diverted it from objects more remote, and that might, perhaps, have been regarded as somewhat less urgent.

I have it again in charge, from the President of the United States, to ask, whether we can now have an answer to the letter of May 29, before mentioned?

I have the honour to be, with great respect,

Sir,

Your most obedient,

And most humble servant,

TH: JEFFERSON.

Lansdown, 22d November, 1793.

Mr. Hammond, Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

SIR,

IN answer to your letter of the 13th current, I have the honour of informing you, that I have not yet received such definitive instructions, relative to your communication of the 29th of May, 1792, as will enable me immediately to renew the discussions upon the subject of it, which have been for some time suspended.

I can, however, repeat with confidence, my conviction, that the continuance

ance of the cauſe, to which I alluded in my letter of the 20th of June laſt, and no other, has protracted this delay to the preſent period.

I have the honour to be,
With ſentiments of great reſpect,
Sir,
Your moſt obedient,
humble ſervant,

GEO: HAMMOND.

PHILADELPHIA, *September 7th*, 1793.

Mr. Jefferſon, Secretary of State, to Mr. Pinckney, Miniſter Plenipotentiary from the United States with Great-Britain.

SIR,

WE have received, through a channel which cannot be conſidered as authentic, the copy of a paper, ſtyled, "Additional Inſtructions to the Commanders of his Majeſty's Ships of War, and Privateers, &c." dated at St. James's, June 8th, 1793. If this paper be authentic, I have little doubt but that you will have taken meaſures to forward it to me. But as your communication of it may miſcarry, and time in the mean while be loſt, it has been thought better that it ſhould be ſuppoſed authentic; that, on that ſuppoſition, I ſhould notice to you its very exceptionable nature, and the neceſſity of obtaining explanations on the ſubject, from the Britiſh government; deſiring, at the ſame time, that you will conſider this letter as proviſionally written only, and as if never written, in the event that the paper, which is the occaſion of it, be not genuine.

The 1ſt article of it permits all veſſels, laden wholly or in part with corn, flour, or meal, bound to any port in France, to be ſtopped, and ſent into any Britiſh port, to be purchaſed by that government, or to be releaſed only on the condition of ſecurity given by the maſter, that he will proceed to diſpoſe of his cargo in the ports of ſome country *in amity with his majeſty*.

This article is ſo manifeſtly contrary to the law of nations, that nothing more would ſeem neceſſary, than to obſerve that it is ſo. Reaſon and uſage have eſtabliſhed, that when two nations go to war, thoſe who chuſe to live in peace, retain their natural right to purſue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their induſtry, for exchange, to all nations, belligerent or neutral, as uſual; to go and come freely, without injury or moleſtation: and, in ſhort, that the war among others, ſhall be, for them, as if it did not exiſt. One reſtriction on their natural rights, has been ſubmitted to by nations at peace; that is to ſay, that of not furniſhing to either party implements merely of war, for the annoyance of the other, nor any thing whatever to a place blockaded by its enemy. What theſe implements of war are, has been ſo often agreed, and is ſo well underſtood, as to leave little queſtion about them at this day. There does not exiſt, perhaps, a nation in our common hemiſphere, which has not made a particular enumeration of them, in ſome or all of their treaties, under the name of contraband. It ſuffices, for the preſent occaſion, to ſay, that corn, flour, and meal, are not of the claſs of contraband, and conſequently remain articles of free commerce. A culture, which, like that of the ſoil, gives employment to ſuch a proportion of mankind, could never be ſuſpended by the whole earth, or interrupted for them, whenever any two nations ſhould think proper to go to war.

The ſtate of war, then, exiſting between Great-Britain and France, furniſhes no legitimate right to either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and con-

 ſequently,

ſequently, the aſſumption of it will be as lawful hereafter as now, in peace as in war. No ground, acknowledged by the common reaſon of mankind, authoriſes this act now, and unacknowledged ground may be taken at any time and all times. We ſee, then, a practice begun, to which no time, no circumſtances, preſcribe any limits, and which ſtrikes at the root of our agriculture, that branch of induſtry, which gives food, cloathing, and comfort, to the great maſs of the inhabitants of theſe ſtates. If any nation whatever, has a right to ſhut up, to our produce, all the ports of the earth, except her own and thoſe of her friends, ſhe may ſhut up theſe alſo, and ſo confine us within our own limits. No nation can ſubſcribe to ſuch pretenſions, no nation can agree, at the mere will and intereſt of another, to have its peaceable induſtry ſuſpended, and its citizens reduced to idleneſs and want. The loſs of our produce, if deſtined for foreign markets, or that loſs which would reſult from an arbitrary reſtraint of our markets, is a tax too ſerious for us to acquieſce in. It is not enough for a nation to ſay, we and our friends will buy your produce. We have a right to anſwer, that it ſuits us better to ſell to their enemies as well as their friends. Our ſhips do not go to France to return empty; they go to exchange the ſurplus of one produce, which we can ſpare, for ſurpluſſes of other kinds, which they can ſpare, and we want; which they can furniſh on better terms, and more to our mind, than Great-Britain or her friends. We have a right to judge for ourſelves, what market beſt ſuits us, and they have none to forbid to us the enjoyment of the neceſſaries and comforts which we may obtain from any other independent country.

This act too, tends directly to draw us from that ſtate of peace, into which we are wiſhing to remain. It is an eſſential character of neutrality, to furniſh no aids (not ſtipulated by treaty) to one party, which we are not equally ready to furniſh to the other. If we permit corn to be ſent to Great-Britain and her friends, we are equally bound to permit it to France. To reſtrain it, would be a partiality which might lead to war with France, and, between reſtraining it ourſelves, and permitting her enemies to reſtrain it unrightfully is no difference. She would conſider this as a mere pretext, of which ſhe would not be the dupe, and on what honourable ground could we otherwiſe explain it? Thus we ſhould ſee ourſelves plunged, by this unauthoriſed act of Great-Britain, into a war, with which we meddle not, and which we wiſh to avoid, if juſtice to all parties and from all parties, will enable us to avoid it. In the caſe, where we found ourſelves obliged, by treaty, to withhold from the enemies of France, the right of arming in our ports, we thought ourſelves, in juſtice, bound to withhold the ſame right from France alſo, and we did it. Were we to withhold from her ſupplies of proviſions, we ſhould, in like manner, be bound to withhold them from her enemies alſo, and thus ſhut to ourſelves all the ports of Europe, where corn is in demand, or make ourſelves parties in the war. This is a dilemma, which Great-Britain has no right to force upon us, and for which no pretext can be found, in any part of our conduct. She may, indeed, feel the deſire of ſtarving an enemy nation; but ſhe can have no right of doing it at our loſs, nor of making us the inſtrument of it.

The Preſident therefore deſires that you will immediately enter into explanations on this ſubject with the Britiſh government. Lay before them in friendly and temperate terms, all the demonſtrations of the injury done us by this act, and endeavour to obtain a revocation of it, and full indemniſication to any citizens of theſe ſtates, who may have ſuffered by it in the mean time. Accompany your repreſentations with every aſſurance of our earneſt deſire to live on terms of the beſt friendſhip and harmony with them, and to found our expectations of juſtice on their part, on a ſtrict obſervance of it on ours.

It is with concern, however, I am obliged to obſerve, that ſo marked has been the inattention of the Britiſh court, to every application which has been made

made to them, on any subject by this government (not a single answer I believe having ever been given to one of them, except in the act of exchanging a minister (that it may become unavoidable in certain cases, where an answer of some sort is necessary, to consider their silence as an answer—perhaps this is their intention. Still, however, desirous of furnishing no colour of offence, we do not wish you to name to them any term for giving an answer. Urge one as much as you can without commitment, and on the 1st day of December be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress.

The 2d article of the same instruction allows the armed vessels of Great-Britain to seize, for condemnation, all vessels on their first attempt to enter a blockaded port, except those of Denmark and Sweden, which are to be prevented only, but not seized, on their first attempt. Of the nations inhabiting the shores of the Atlantic Ocean and practising its navigation, Denmark, Sweden, and the United States alone are neutral. To declare then all *neutral* vessels (for as to the vessels of the *belligerent* powers no order was necessary) to be legal prize, which shall attempt to enter a blockaded port, except those of *Denmark and Sweden*, is exactly to declare that the *vessels of the United States*, shall be lawful prize, and those of Denmark and Sweden shall not. It is of little consequence, that the article has avoided naming the United States, since it has used a description applicable to them, and to them alone, while it exempts the others from its operation by name. You will be pleased to ask an explanation of this distinction, and you will be able to say in discussing its justice, that in every circumstance we treat Great-Britain on the footing of the most favoured nation, where our treaties do not preclude us, and that even these are just as favourable to her, as hers are to us. Possibly she may be bound by treaty, to admit this exception, in favour of Denmark and Sweden, but she cannot be bound by treaty to withhold it from us, and if it be withheld merely because not established with us by treaty, what might not we, on the same ground, have withheld from Great-Britain, during the short course of the present war, as well as the peace which has preceded it?

Whether these explanations with the British government, shall be verbal or in writing, is left to yourself. Verbal communications are very insecure, for it is only to deny them or to change their terms, in order to do away their effect at any time, those in writing have many and obvious advantages, and ought to be preferred, unless there be obstacles of which we are not apprized.

I have the honour to be,
With great and sincere esteem, dear Sir,
Your most obedient servant,
TH. JEFFERSON.

(Copy.)

George R. Additional instructions to the commanders of his Majesty's ships of war, and privateers that have or may have letters of marque against France. Given at our court at St. James's, the eighth day of June, 1793, and in the thirty-third year of our reign.

L. S.

1st. THAT it shall be lawful to stop and detain all vessels loaded wholly or in part with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France, and to send them to such ports as shall be most convenient, in order that such corn, meal, or flour, may be purchased on behalf of his majesty's government, and the ships be released after such purchase, and after a due allowance for freight, or that the masters of such ships on giving due security, to be approved of by the court of admiral-

ty, be permited to proceed to dispose of their cargoes of corn, meal, or flour, in the ports of any country in amity with his majesty.

2d. That it shall be lawful for the commanders of his majesty's ships of war and privateers, that have, or may have letters of marque against France, to seize all ships, whatever be their cargoes, that shall be found attempting to enter any blockaded port, and to send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall only be prevented from entering on the first attempt, but on the second shall be sent in for condemnation likewise.

3d. That in case his majesty shall declare any port to be blockaded, the commanders of his majesty's ships of war and privateers that have or may have letters of marque against France, are hereby enjoined, if they meet with ships at sea, which appear from their papers to be destined to such blockaded port, but to have sailed from the ports of their respective countries, before the declaration of the blockade shall have arrived there, to advertise them thereof, and to admonish them to go to other ports, but they are not to molest them afterwards, unless it shall appear, that they have continued their course with intent to enter the blockaded port, in which case they shall be subject to capture and condemnation, as shall likewise all ships wheresoever found, that shall appear to have sailed from their ports, bound to any port which his majesty shall have declared to be blockaded, after such declaration shall have been known in the country from which they sailed, and all ships which in the course of the voyage shall have received notice of the blockade in any manner, and yet shall have pursued their course with intent to enter the same.

G. R.

PHILADELPHIA, *12th September*, 1793.

SIR,

I HAVE the honour of transmitting to you a copy of an additional instruction, given by his majesty's order in council, to the commanders of the British armed vessels, respecting the commerce of neutral nations with France in the articles of grain, and also with regard to such French ports as may in the course of the war, be blocked by his majesty, or of the other powers engaged in the war.

In communicating to you this paper, it is necessary for me to remark, that by the law of nations, as laid down by the most modern writers, it is expresly stated, that all provisions are to be considered as contraband, and as such liable to confiscation; in the case where the depriving an enemy of these supplies, is one of the means intended to be employed for reducing him to reasonable terms of peace—The actual situation of France, is notoriously such, as to lead to the employing of this mode of distressing her by the joint operations of the different powers engaged in the war, and the reasoning which in these authors applies to *all* cases of this sort, is certainly much more applicable to the *present* case, in which the distress results from the unusual mode of war, employed by the enemy himself, in having armed almost the whole labouring class of the French nation, for the purpose of *commencing* and supporting hostilities against all the governments of Europe—But this reasoning is most of all applicable to the circumstances, of a trade which is now in a great measure entirely carried on by the actually ruling party of France itself, and which is therefore no longer to be regarded, as a mercantile speculation of individuals, but as an immediate operation of the very persons who have declared war, and are now carrying it on against Great-Britain—On these considerations therefore, the powers at war would have been justifiable if they had considered all provisions as contraband; and had directed them as such to be brought in for confiscation.

But

But the present measure pursued by his Majesty's government, so far from going to the extent, which the law of nations and the circumstances of the case would have warranted, only has prevented the French from being supplied with *corn*, omitting all mention of *other* provisions, and even with respect to corn, the regulation adopted is one, which instead of confiscating the cargoes, secures to the proprietors, supposing them neutral, a full indemnification for any loss they may possibly sustain.—

With respect to the rule that has been adopted relative to ports blockaded, it is conformable to the general law and practice of all nations, and the exception there mentioned as to Denmark and Sweden, has reference to existing treaties with those powers; and cannot therefore give any just grounds of umbrage or jealousy to other powers, between whom and Great-Britain, no such treaties subsist.

Before I conclude this letter, I deem it proper to express my hope that you, Sir, will perceive in the communication itself of this paper, a proof of my willingness, to furnish this government with any intelligence that may be interesting to it, and thereby to anticipate the necessity of enquiries on the subject, and I cannot avoid farther adding my conviction that the explanation I have now given of this measure, will satisfactorily evince the propriety of recurring to it in the present instance.

I have the honour to be,
With sentiments of great respect,
Sir, Your most obedient humble servant,
GEO. HAMMOND.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great-Britain.

SIR, *September* 22, 1793.

I HAVE yet to acknowledge the receipt of your favour of the 12th instant, covering an additional instruction to the commanders of British armed vessels, and explaining its principles, and I receive it readily as a proof of your willingness to anticipate our enquiries on subjects interesting to us. Certainly none was ever more so than the instruction in question, as it strikes at the root of our agriculture, and at the means of obtaining for our citizens in general, the numerous articles of necessity and comfort which they do not make for themselves, but have hitherto procured from other nations by exchange. The paper had been before communicated to the President, and instructions immediately sent to our minister at London, to make proper representations on the subject, in the effect of which we have all that confidence which the justice of the British government is calculated to inspire. That "all provisions are to be considered as contraband in the case where the depriving an enemy of these supplies is one of the means *intended to be employed*," or in any case but that of a place *actually blockaded*, is a position entirely new. However, the discussion having been transferred to another place, I forbear to enter into it here.

We had conjectured, but did not before certainly know, that the distinction which the instruction makes between Denmark and Sweden on the one hand, and the United States on the other, in the case of vessels bound to ports blockaded, was on the principle explained by you, that what was yielded to those countries by treaty, it is not unfriendly to refuse to us, *because not yielded to us by treaty*. I shall not contest the right of the principle, as a right to its reciprocity necessarily results to us.

I have the honour to be, with great respect,
Sir, Your most obedient servant,
TH. JEFFERSON.

DEAR

LONDON, 5th July, 1793.

DEAR SIR,

THE enclosed copy of additional instructions to the commanders of British men of war and privateers will shew the further embarrassment to which our commerce will be subjected in the present war. These instructions though dated the 8th of June, were not finally issued to the Admiralty till the 28th. Lord Grenville justifies them from the authority of the writers on the law of nations, particularly 2d Vattel, 72. 73. and urges that by the doctrine there laid down they have not gone so far as they would have been justified in proceeding, considering the prospect they have of reducing their enemy by such means, the instructions not extending to all kinds of provisions, nor to confiscations of those kinds that are mentioned. That the existing circumstances justifying them in considering grain as among contraband articles, they come within the proclamation issued by the President. That the French government are in fact the only importers of grain into that country. That the measure was so guarded by directing the property to be paid for, together with the freight, that the owners could suffer no loss, a liberal price being always allowed in these cases, and he was hopeful the matter would be so conducted as to give satisfaction to the parties concerned. I urged every argument that suggested itself to me, in support of the neutral rights which I contended were injured in this instance, pointed to inconveniencies that would attend the execution of the instructions, and urged that the case put by Vattel, of a well-grounded hope of reducing the enemy by famine did not exist, provisions being now cheaper in the ports of France than in those of England. Lord Grenville, on being asked, said, Spain would pursue the same line of conduct; and upon its being objected that even their late convention with Russia, did not extend to this object; he answered that though it was not expresly mentioned, it was fully understood by both parties, to be within the intention of it. At the close of the conversation, I told him, I should transmit these instructions to you, accompanied by his reasons in their justification. Lord Grenville spoke in high terms of approbation of the answers to Mr. Hammond's memorials which he received by the packet.

I have the honour to be, &c.

The Secretary of State. THOMAS PINCKNEY.

Mr. Pinckney, Minister Plenipotentiary of the United States with Great-Britain, to Mr. Jefferson, Secretary of State.

LONDON, *August 15th*, 1793.

DEAR SIR,

THE frequent interruptions our vessels experience, especially in navigating the European seas, induce me to address you in cypher.

I have had several conversations with Lord Grenville, but do not find that this government will at all relax in the measures they have adopted towards the neutral nations—I have urged every thing in my power, in opposition to the policy, as well as the right of these measures, and have assured him they will be considered by our governments as infringements of the neutral rights. As I cannot speak from authority on the subject, I have not said what measures we shall adopt in consequence, although I have strongly insisted on the detriment to the commercial interests of this country, which must necessarily ensue from the various impediments opposed to a free intercourse, as well as from the ill-will they will excite. I may perhaps estimate too highly the blessings of peace in general, and the advantage of our neutral situation, notwithstanding all the deductions, to be made on account of the conduct of this country.

country. But it appears to me, that if the United States ſhould deem it neceſſary to go beyond the line of remonſtrances on this occaſion, prudence will dictate, that our oppoſition ſhould be confined to commercial regulations.

With the utmoſt reſpect,

I have the honour to be, Dear Sir, &c.

THOMAS PINCKNEY.

(Copy.)

MR. PINCKNEY preſents his compliments to Lord Grenville, and has the honour of incloſing, in conformity to his Lordſhip's deſire, a memorandum relating to the American ſhip Eliza, to which he has added a note concerning two other veſſels; theſe form only a ſmall part of the American veſſels brought into the different ports of Great-Britain. Mr. P. thinks it unneceſſary to add any thing to what he has had the honour of perſonally mentioning to his Lordſhip on this ſubject—but has a firm reliance that in the execution of meaſures, which he is aſſured the government of the United States will conſider as infringements of the neutral rights, Lord Grenville's endeavours will not be wanting to prevent any unneceſſary aggravation of the inconveniences ariſing therefrom.

Great Cumberland Place, 22d July, 1793.

Mr. Pinckney, Miniſter Plenipotentiary of the United States with Great-Britain, to Mr. Jefferſon, Secretary of State.

DEAR SIR, LONDON, *28th Auguſt*, 1793.

HAVING in my former communications related the conduct of this government to the neutral powers, with the reaſons aſſigned by Lord Grenville for this conduct, which reaſons, as far as they concern enemy's property on board neutral veſſels, his Lordſhip informed me he had directed Mr. Hammond to repreſent fully to our government. I have only to add, that from ſubſequent converſations, there does not appear any probability of the Britiſh government relinquiſhing this point—theſe meaſures are attended, for the preſent, with greater inconvenience, and conſequent irritation to our citizens, on account of the court of admiralty having, as yet, given no deciſion on the freight, demurrage, &c. to be allowed to the veſſels brought in; on this ſubject I have made repeated application, (for although I am convinced of the reſpect due to the proceedings of the judiciary of every nation, yet if, in any caſe, a delay of juſtice may be deemed equivalent to a denial, it certainly may, in the caſe of veſſels, circumſtanced as many of ours are,) and the court of admiralty having adjourned to the 4th of September, without any deciſion on theſe points, I reiterated my repreſentation to the Secretary of State, who appeared to be ſurpriſed at the further procraſtination; and I am, from circumſtances, inclined to think, that he will endeavour to accelerate this buſineſs, at the time to which the court ſtands adjourned. As I thought it right that the evidence of our oppoſition to the meaſures purſued here, ſhould not reſt merely on official converſation, I took an opportunity of bringing forward the diſcuſſion in writing, ſo far at leaſt as to amount to an authentic document of our claim, with ſome of the reaſons in ſupport of it, at the ſame time that I endeavoured ſo to guard it, as to leave our government unembarraſſed in any line they may think proper to purſue. I incloſe a copy of what paſſed on this ſubject.

I have the honour to be, &c.

TH: PINCKNEY.

(Copy.)

MR. PINCKNEY has the honour of acknowledging the receipt of Lord Grenville's note of the 31st ult. and of expressing his obligation for the assurance therein contained, that his lordship's endeavours will be exerted to prevent, as far as possible, any inconvenience to which the European commerce of the citizens of the United States of America may be liable, from the measures unavoidably resulting from the existing state of war; and as his lordship has adverted to an observation contained in Mr. Pinckney's note of the 22d ult. he will take the liberty of briefly stating the principal reasons which suggested his remark, that "some of the measures of this government will be considered by the United States as infringements on the neutral rights." The measures alluded to, are particularly those which contravene the principles, that free ships make free goods, and which prevent certain articles of provision, the produce of the United States, from being carried, in their own vessels, to the unblockaded ports of France. With respect to the first, it is conceived, that as commerce has been more diffusely cultivated, and its principles better understood, the law of nations, relating thereto, has received material improvements since the publication of the most modern and most approved writers on that subject, and that whatever doubts may formerly have existed on this point, that the sense of a considerable majority of the maritime powers of Europe has, within the last twenty years, been clearly expressed in favour of the principle of free ships making free goods, which has been manifested, by their practice in the latter years of the American war, by the stipulations entered into at that time, and by their having inserted the same in their latest treaties. Of these, the treaties entered into between the United States and several European powers, are among the most recent; all of which support this doctrine, by express stipulation; and even Great-Britain must admit, that this principle contains nothing dishonourable or improper; since she has adopted it in her commercial treaty with France; and it may not be amiss here to remark, that the commerce of the United States is as advantageous to Great-Britain, taking all circumstances into consideration, as that of France has been: Supposing, then, the question of right to be waved, would it be deemed unreasonable for the United States to expect equal advantages with those France would have enjoyed in similar circumstances? But the right now contended for, appears not only supported by modern practice, but to be conformable to reason: For, if two nations have the misfortune of being engaged in war against each other, it is evidently contrary to the dictates of reason that a third, who has no concern in the quarrel, and has offended neither party, should be injured thereby, or be debarred from that intercourse with either, which is not immediately connected with military operations. And although people in a state of war, have, in general, a right to seize or destroy their enemy's property, yet they cannot be justified in going, for that purpose, upon neutral territory; (in conformity to which doctrine, the British ship Grange, captured by a French frigate in the bay of Delaware, was lately liberated by order of the American government;) and the distinction drawn between neutral territory and neutral vessels, does not appear to form a difference sufficiently substantial to preclude the application of the same principles to both. It may be here added, that in the last war, the Americans adopted, and carried into effect, this principle to the advantage of British subjects, having actually liberated several British cargoes captured on board of neutral vessels. Most of the arguments opposed to the first measure, will apply, with equal force, to that of bringing American provision vessels, bound to the unblockaded ports of France, into this kingdom.—To which it may be added, that if Mr. Pinckney's information is just, (and he has omitted no opportunity, which his situation has afforded him, of obtaining accurate intelligence

telligence on this ſubject,) the reaſon aſſigned by writers on the law of nations, for meaſures of this nature, namely, the well-grounded hope of reducing an enemy by famine, does not apply, in the preſent inſtance; becauſe the price of the articles pointed out in the additional inſtructions, is lower in the French ports, than in thoſe of this kingdom, where there is, by no means, any ſcarcity. Arguments founded on the inconvenience attending the execution of meaſures, may fairly be adduced againſt their adoption; theſe are ſo numerous, and ſo obviouſly oppoſed to both the meaſures now under conſideration, that it would be ſuperfluous to ſelect any but thoſe circumſtances which preſs in a peculiar manner upon the citizens of the United States. Under this head, it may be obſerved, that for want of arrangements being made for the ſecurity of American ſeamen in the ports of this country, they are ſubject to the various hardſhips Mr. Pinckney has ſo frequently detailed to Lord Grenville; of courſe their being captured and brought into theſe ports, renders them liable to thoſe diſadvantages they would otherwiſe have avoided. Grain being the principal export of the United States, if they are prevented from carrying that commodity to the French ports, they are not only deprived of that branch of commerce, but are prevented from drawing thoſe commodities from France, for which they have occaſion; for in caſe of the capture and ſale of their property here, other regulations prevent remittances being made from hence to France, to purchaſe the ſupplies they want. Another inconvenience peculiar to the Americans is, that the ſimilarity of language renders them more obnoxious to the irritation ariſing from contumelious treatment, too often exhibited by the captors to thoſe whom they have taken; which may, in part, be attributed to thoſe perſons being intereſted in widening the field of capture, who are neceſſarily employed in executing this meaſure; it renders them alſo more acceſſible to offers of bribery, to commit unworthy actions; on both of which ſubjects, repreſentations have been already made; but the evil Mr. Pinckney moſt ſincerely deprecates, is the animoſity the execution of theſe meaſures almoſt unavoidably generates between the parties concerned therein; which, by extending in their reſpective countries, may eventually diminiſh that friendſhip, which it is the intereſt, and, he truſts, the deſire of both nations to augment.

Theſe arguments might be detailed much more at length, and others adduced to corroborate them: but Mr. Pinckney has deemed it neceſſary only to touch upon ſome of the reaſons on which his obſervation was founded, to obviate the idea of his wiſhing to claim, in behalf of the United States, exemptions to which they are not, in reaſon, entitled. At the ſame time, he aſſures Lord Grenville of the due ſenſe which will, at all times, be entertained by his country, for any circumſtances of particular attention to their commerce, and of their earneſt deſire, by a reciprocation of good offices, to increaſe the mutual advantages of both nations.

Mr Pinckney begs leave to make his beſt acknowledgements to Lord Grenville's declaration of perſonal eſteem, and to offer his ſentiments of reſpectful conſideration for his Lordſhip.

(Copy,)

WHITEHALL, July 31ſt, 1793.

LORD GRENVILLE has had the honor to receive Mr. Pinckney's note of the 22d July, with the memorandum accompanying it; he has directed enquiry to be made reſpecting the caſes of ſeveral ſhips mentioned by Mr. Pinckney, which he apprehends however, to be all in a courſe of legal adjudication, and conſequently not in a ſtate to admit of the interference of government.

Mr. Pinckney may be assured of Lord Grenville's best endeavours at all times, to prevent, as far as possible, any inconvenience arising to the subjects of the United States, in their European commerce, from the measures which unavoidably result from the state of war, in which the maritime countries of Europe are engaged. But it is impossible for him not to remark, in reply to the observation contained in Mr. Pinckney's note, that the steps adopted by this government, so far from being infractions of the neutral rights, are more favorable than the law of nations on that subject, as established by the most modern, and most approved writers upon it; and that the rule laid down here, has been marked with circumstances of particular attention to the commerce of America *, in the instance which Lord Grenville has already had the honour of pointing out to Mr. Pinckney.

Lord Grenville avails himself of this opportunity, to assure Mr Pinckney of his sincere esteem and consideration.

* *This alludes to rice not being included in the prohibition.*

London, 25th September, 1793.

Mr. Pinkney, Minister Plenipotentiary of the United States, with Great-Britain, to Mr. Jefferson, Secretary of State.

DEAR SIR,

NO alteration has taken place since my last, in the conduct of this government towards the neutral powers; they still assert the propriety of preventing the provisions specified in their additional instructions, from being sent to French ports, and of making prize of their enemy's property, in whatever vessels it may be found—the execution of these measures, of course, creates much uneasiness among our citizens, whose commerce is much injured thereby—I receive assurances that their court will amply redress the irregularities which may be committed by their cruisers, upon proper application; but these are frequently of a nature, to be with difficulty brought under the cognizance of the judiciary; and I find our sea-faring people in general, rather inclined to submit to the first inconvenience, than risk the event of a law-suit. The court of admiralty, in the beginning of the present month, adjudged freight, demurrage, and expences to an American vessel, whose cargo was condemned. I am hopeful, since this precedent, that it will be allowed in all other cases, which will, of course, prevent so many of our vessels from being brought in. The protection afforded our seamen, remains also, on the same footing; they profess a willingness to secure to us all real American seamen, when proved to be such; but the proof they will not dispense with—our consuls are allowed to give protections, where the master of the vessel, and the mariner, swear, that the party is an American native, and citizen, which protections, in general, are respected, though some irregularities occasionally take place—So many objections are made to the arrangement we propose on this subject, that I see no prospect of its taking place.

I remain, with great and sincere respect, Dear Sir, your, &c. &c.

THOMAS PINCKNEY.

Extract from the Convention between his Britannic Majesty and the Empress of Russia, signed at London the 25th of March, 1793.

ARTICLE 3d. Their said Majesties reciprocally engage, to shut all their ports against French ships, not to permit the exportation in any case, from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; and to take all other measures in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

ARTICLE

ARTICLE 4th. Their Majesties engage to unite all their efforts to prevent other powers, not implicated in this war, from giving on this occasion of common concern to every civilized state, any protection whatever, directly, or indirectly, in consequence of their neutrality to the commerce or property of the French on the sea, or in the ports of France.

BY the treaty between his Britannic Majesty and the King of Sardinia, signed at London the 25th April, 1793, the latter engages to keep on foot, during the war, an army of fifty thousand men, for the defence of his dominions, as well as to act against the common enemy; and the former engages to send into the Mediterranean, a respectable fleet, to be employed, as circumstances shall permit, in that quarter. By the 2d article, Great-Britain is engaged to furnish to Sardinia, during the war, a subsidy of two hundred thousand pounds sterling, payable quarterly, in advance; the first payment at the date of this treaty. By the 3d article, his Britannic Majesty guarantees to his Sardinian Majesty, the restitution of all the parts of his dominions which have, or may be taken from him during the war. The 4th and 5th articles make all hostilities in consequence of this treaty, a common cause, and direct the exchange of ratifications in two months or sooner.

DEPARTMENT OF STATE, to wit:

I HEREBY certify, that the preceding copies, beginning with a letter of November 29th, 1791, and ending with one of September 25th, 1793; and the paper it enclosed, are from originals, or from authentic copies in the Office of the Department of State.

GIVEN under my hand, this 4th day of December, 1793.

TH: JEFFERSON.